

California Integrated Waste Management Board

Special Board Meeting

November 8, 2005

AGENDA ITEM 1

ITEM

Public Hearing And Consideration Of The Imposition Of Penalties Against The City Of Arvin Pursuant To Compliance Order IWMA BR03-05 (Public Resources Code Section 41850)

I. ISSUE/PROBLEM STATEMENT

As a result of the 1999/2000 Biennial Review, the California Integrated Waste Management Board (Board), at its January 2004 meeting, issued Compliance Order IWMA BR03-05 to the City of Arvin (City) for not sufficiently implementing the diversion programs identified in its Source Reduction and Recycling Element (SRRE).

One of the requirements of the Compliance Order was for the City to work with Board staff to develop and agree to a Local Assistance Plan (LAP) by May 31, 2004. On June 15, 2004, the City submitted the signed agreement between the Board and the City of Arvin titled "Local Assistance Plan for the City of Arvin".

Based on the information provided in the City's quarterly LAP updates, as well as numerous discussions with City staff, Board staff believes the City has failed to demonstrate a good faith effort to implement the specific tasks listed in the LAP by the required due dates. While the City has reported that a number of programs have subsequently been implemented since it was served with the Notice of Hearing, Board staff believes that the Board may want to impose fines for this overdue implementation, in addition to those programs that have still not been implemented, particularly given the extraordinary efforts made by Board staff. Given the City's lack of good faith effort in timely implementation of these programs, Board staff believes that the Board may also want to impose potential fines should the City discontinue implementation over the course of the next year. Staff has prepared this item for the Board to consider imposing administrative penalties on the City of Arvin pursuant to Compliance Order IWMA BR03-05, as the City did not meet specific requirements of the compliance order.

II. ITEM HISTORY

On June 18, 2002, the Board approved a SB 1066 Alternative Diversion Requirement Application (ADR) for the City of Arvin (City) to allow the City until December 31, 2003, to implement additional programs to reach the diversion goal of 45 percent. As a result the City failing to implement their ADR, the Board, at its January 2004 meeting, ended the ADR and issued Compliance Order IWMA BR03-05 to the City of Arvin for not sufficiently implementing the diversion programs identified in its SRRE. On September 20, 2005, the City was sent a Notice of Penalty Hearing to consider administrative penalties for failure to implement its SRRE.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Impose a one-time penalty amount (for failure to meet the implementation due dates identified in the City's LAP) in accordance with the Board's Countywide Integrated

- Waste Management Plan Enforcement policy, Part II using the moderate penalty range of \$1,000 to \$5,000 per day. Based on the Board's evaluation of mitigating factors, recommend per day penalty amount range from \$170 to \$850 per day and would be based on one of the following time periods:
- A. Beginning from the date the Board issued the compliance order (1/13/04) through the date of the penalty hearing (11/8/05);
 - B. Beginning from the date the City failed to meet the final LAP due date (6/30/05) through the date of the penalty hearing (11/8/05);
 - C. Beginning from the date of the Penalty Hearing notice (9/20/05) through the date of the penalty hearing (11/8/05);
 - D. Beginning and ending on the date of the penalty hearing (11/8/05);
 - E. The Board may also elect to consider an alternative time period or one-time penalty depending on testimony provided at the hearing.
2. Impose an additional daily penalty amount if the City fails to implement its past due LAP tasks by November 30, 2005, in accordance with the Board's Countywide Integrated Waste Management Plan Enforcement policy, Part II using the moderate penalty range of \$1,000 to \$5,000 per day. Based on the Board's evaluation of mitigating factors, recommend per day penalty amount range from \$170 to \$850 per day and would be based on one of the following terms:
- A. Beginning from the date of the penalty hearing (11/8/05) through the date that the City and Board staff agree that the tasks due to be implemented in the LAP have been implemented;
 - B. Beginning from a future date, determined by the Board, through the date that the City and Board staff agree that the tasks due to be implemented in the LAP have been implemented.
 - C. The Board may also elect to consider an alternative term or daily penalty depending on testimony provided at the hearing.
3. To ensure continued program implementation, impose an additional daily penalty amount if the City fails to continue to implement its LAP tasks through December 31, 2006, in accordance with the Board's Countywide Integrated Waste Management Plan Enforcement policy, Part II using the moderate penalty range of \$1,000 to \$5,000 per day. Based on the Board's evaluation of mitigating factors, recommend per day penalty amount range from \$170 to \$850 per day and would be based on one of the following terms:
- A. Beginning from the date of the penalty hearing (11/8/05) through the date that the City and Board staff agree that the tasks implemented as part of the LAP that were dropped have been reimplemented.
 - B. The Board may also elect to consider an alternative term or daily penalty depending on testimony provided at the hearing.
4. Impose a penalty and suspend the fine based upon testimony heard at the Board meeting.

IV. STAFF RECOMMENDATION

Staff recommends the Board select Options 1, 2 and 3. The Board shall make the final determination of the actual penalty within each Option. Additionally, the Board's final determination should be based on testimony provided at the hearing.

Option 1 describes a one-time penalty to be imposed on the City for failing to meet the task due dates identified in the City's LAP that were due by June 30, 2005. Option 2 describes a daily penalty that could be assessed if the City fails to complete its past due LAP tasks by November 30, 2005, as recommended by Board staff. Option 3 describes a daily penalty that could be assessed if the City fails to continue implementation of its LAP tasks through December 31, 2006.

V. ANALYSIS

A. Key Issues and Findings

1. Legal Framework For Hearing

Hearing Requirement

Public Resources Code Section 41850 provides, in part, that:

If after holding [a] public hearing and issuing an order of compliance pursuant to Section 41825, the Board finds that the [jurisdiction]...has failed to make a good faith effort to implement its Source Reduction and Recycling Element, the Board may impose administrative civil penalties upon the [jurisdiction]... of up to ten thousand dollars (\$10,000) per day until the [jurisdiction] implements the element.

Allocation of Penalties Collected

Public Resources Code Section 41813(d) provides that any penalties imposed and collected as a result of this hearing shall be used, to the extent possible, to assist local governments in meeting the requirements of the Act.

Notice of Hearing

The jurisdiction was served with a Notice of Hearing (Attachment 1). This notice included the date and time of the hearing, a basic description of its subject matter, and information on how the jurisdiction could participate.

The notice was served upon the Mayor by certified mail, return receipt requested. The notice was sent on September 20, 2005, and staff has confirmed through return receipt and contact with the City that it was received more than 30 days prior to the public hearing.

Structure of Hearing

The hearing will be structured in accordance with the procedures included in the Notice of Hearing. A copy of the procedures is included in Attachment 1. These procedures will be utilized to provide a structure for the hearing that will ensure that the Board has all necessary information to make a decision, and an appropriate administrative record to support its decision.

2. Background and Chronology

Diversion Rate (Percent) Data							Key Jurisdiction Conditions				
							Waste Stream Data				
Base Year	1998	1999	2000	2001	2002	2003	Pounds waste generated per person per day (ppd)	Population (2003)	Program Review Site Visit by Board Staff	Non-Residential Waste Stream Percentage	Residential Waste Stream Percentage
1990	21	32	28	29	35	25	5.22	14,150	2005	54%	46%

The City's geographic location: Arvin is an urban city in the Central Valley located in the central portion of Kern County. The City is off of California State Highway 223, and is just 21 miles southeast of Bakersfield.

LAP Implementation Status

On June 18, 2002, the Board approved a SB 1066 Alternative Diversion Requirement Application (ADR) for the City of Arvin (City) to allow the City until December 31, 2003, to implement additional programs to reach the diversion goal of 45 percent. As a result of the City's failure to implement its ADR, the Board, at its January 2004 meeting, ended the ADR and issued Compliance Order IWMA BR03-05 to the City of Arvin for not sufficiently implementing the diversion programs identified in its SRRE. The Compliance Order included identification of the City's diversion program needs, and inclusion of these programs in the City's LAP. Based on the information provided in the City's LAP updates, multiple site visits, and numerous discussions with City staff, staff believes the City has failed to demonstrate a good faith effort to implement the tasks listed in the LAP.

As detailed in Attachment 3, Board staff has made, and continues to make, all reasonable efforts to work with the City by providing additional technical assistance to implement programs that will overcome gaps in waste diversion. Despite the Board's efforts to assist the City, program implementation necessary to achieve diversion requirements continues to be delayed, and the City is being considered for imposition of administrative penalties for failure to comply with the Board's compliance order.

The following table identifies the LAP programs, agency primarily responsible for implementation, due dates, and completion status of programs that were to be implemented from September 30, 2004, through June 30, 2005. At the time that the City was served with the Notice of Hearing (9/20/05), there were a number of programs that had not yet been implemented. However, as noted below, some of these programs were implemented subsequent to that date.

LAP Programs	Agency Responsible	Due Date	Completion Status/Date
1. Implement a New Construction and Demolition (C&D) Debris Recycling Ordinance.	City	6-30-05	Not completed
2. Initiate and Develop the Bi-Weekly Residential Curbside Recyclable Materials Collection Program to All Residents Citywide.	City	6-30-05	Completed 6-3-05

LAP Programs	Agency Responsible	Due Date	Completion Status/Date
3. Expand the Weekly Residential Curbside Greenwaste Collection Program to All Residents.	City	6-30-05	Completed 9-28-05 (After the City received the Notice of Hearing)
4. Conduct Waste Assessments for Large Waste-Generating Businesses Within the City (If not already conducted). Provide Waste Diversion Technical Assistance and Solicit Commercial Recycling & Greenwaste Program Participation to those Businesses that had Waste Assessments Conducted.	City	6-30-05	Completed 10-19-05 (After the City received the Notice of Hearing)
5. Expand the Commercial Collection of Recyclable Materials Program to All Businesses, Including All Schools.	City	6-30-05	Completed 10-19-05 (After the City received the Notice of Hearing)
6. Initiate, Develop, and Promote a Weekly Commercial Collection of Greenwaste Program to Businesses, Including All Schools.	City	6-30-05	See Alternative Program Below
6. Alternative. The City requested to amend the LAP and proposed an alternative Commercial Greenwaste Collection Program to the LAP, which was approved by Board staff. The terms of agreement were that the City would provide the following specific information: (A.) Names of businesses, including schools and City offices, within Arvin that generate greenwaste; (B.) For each of the above business, provide the name and final destination of the greenwaste, or name of the landscape service and final destination; (C.) Verification that those businesses without landscapers have been offered the same greenwaste service as residents; (D.) Examples of outreach in the form of mailers letting all the businesses know how important greenwaste recycling is to the City.	City	6-30-05	Not completed
7. Expand the City's Electronic, Printed, and School Outreach Program, Including Use of Those Materials Provided by Kern County.	City	6-30-05	Completed 6-6-05
8. Implement a Recycled-Content Procurement Policy for All City Offices.	City	6-30-05	Completed 9-19-05 (After the City was informed of the Penalty Hearing)
9. Submitting Various Reports and Providing Documentation.	City	6-30-05	Completed 9-16-05 (After the City was informed of the Penalty Hearing)
10. Review Status of Diversion Rate and Program Implementation.	City	6-30-05	Completed 6-6-05

Please see Attachment 3 for a chronology, to date, of communications pertaining to program task completion between Board staff and the City from the time the City agreed to, and signed, the LAP. The following is an overview of the implementation status of the City's LAP to date.

- Since the compliance order was first issued, the City has had numerous problems in fulfilling their obligation in completing tasks in a timely manner. This appears to be due to disagreements between the City and the hauler on funding of additional/expansion programs, as well as issues related to the City's intention to continue the hauler's contract. During June of 2003, the City issued the hauler a three-year Notice of Rescission to terminate the hauler's contract. In addition, during November of 2003, the City attempted to take over the hauling of recyclables, but was faced with legal challenges so they resumed working with the hauler to implement the LAP programs.
- The City has not taken a proactive approach to facilitating communication with its hauler to achieve LAP program implementation, and has on several occasions committed to Board staff to provide information to its hauler and/or Board staff to accomplish specific tasks, but often has not followed through. For example, the City committed to providing the hauler with a list of businesses that generate greenwaste so that the hauler could follow up on Program 6's alternative task 1; however, the hauler never received the information and did not complete the task.
- In addition, nearly all of the City's quarterly status updates have been submitted late and most contained minimal information to determine the City's implementation status. As a result, Board staff were required to conduct several conference calls with both the City and its hauler regarding the status of LAP program tasks, and was only then able to determine whether the City was on track in implementing its program tasks. Many of these conference calls required additional requests for documentation/information, thus creating additional workload for Board Staff.
- Board staff have had to provide extensive assistance to the City to guide them to completion of many of the tasks. However, even with the technical assistance, the City frequently seems to give the tasks minimal attention until either Board staff repeatedly requests action by the City, or Board staff facilitates cooperation between the City and Hauler. For example, upon staff's review of the City's implementation of its second quarter LAP tasks, Board staff learned that the City, in addition to failing to submit its LAP status update, had not met many of the second quarter due dates. After extensive conversations and conference calls with the City and its consultant at that time, Board staff outlined specifically what the City needed to do to meet its tasks and offered an additional amount of time for the City to accomplish these tasks. Only after extensive assistance was provided, including, contacts, e-mails, and phone calls from Board Staff, was the City then able to provide the required information (i.e., outreach materials and plans to implement the program).
- Another example of the City's failure to provide information includes their procurement policy. Although the City has adopted a procurement policy, and the LAP requires that the City report on purchases made after the policy was implemented, the City failed to provide this information and Board staff were unable to confirm that the City regularly purchases recycled-content

products. During a site visit, Board staff were only able to identify that the City purchases 10% recycled-content paper and 100% recycled-content binding combs. At that site visit, City staff agreed to provide purchase receipts for the past six months and indicated they would try to provide them by September 16, 2005, at the latest. In its final quarterly update, the City submitted purchase receipts for the last year. These receipts demonstrate that the City has purchased some recycled-content products, including paper, toner cartridges, and binder rings. In addition, at its September Council meeting, the City Council approved a purchase order for recycled-content benches for its parks.

- The City has said on several occasions that it is committed to meeting AB 939 and fully implementing the programs in its LAP. However, its efforts to meet its task due dates and report on the progress of LAP implementation, including submittal of the required documentation, has consistently been inadequate and delayed.
 - Based upon staff's analysis, the City had the ability to implement all of the outstanding tasks in the LAP, as well as had ample time to reach an agreement and work with the hauler to ensure that these tasks had been completed.
 - On September 6, 2005, in order to evaluate the City's completion of its LAP program implementation and Compliance Order, Board staff met with Enrique Ochoa-Medina (Arvin City Manager), Walt Price, Jay Price and Ray Scott (Mountainside Disposal), all representing the City of Arvin. As a result of the meeting, Board staff determined that not all programs had been fully implemented according to the schedule outlined in the LAP and, as such, Board staff informed the City Manager that they would have to recommend a Board hearing to consider imposition of penalties. During the site visit, Board staff also described the purpose and the process of the penalty hearing. On September 20, 2005, a notice of a penalty hearing was sent to the mayor of Arvin. As such, Board staff notified the City that it was beginning its notification process with respect to the issuance of penalties. At this meeting, Board staff reviewed the program tasks and found that a number of programs had not yet been implemented.
 - At the time that the City was served with the Notice of Hearing (9/20/05), the programs discussed below had not yet been implemented. Since the City was served notice, as noted below, some of these programs have been implemented subsequent to that date. However, given the lack of timely implementation, and the extraordinary efforts required of Board staff, as noted, Board staff believes that the City has not shown a good faith effort to implement the required programs by the prescribed due dates.
- Program 1, Implement a New Construction and Demolition Debris Recycling Ordinance:
- Although the City drafted and adopted a Construction and Demolition Debris Recycling Ordinance, as required by the LAP, Board staff learned that the City does not enforce the ordinance nor does it have information as to tonnages diverted, as required by the ordinance.

- Although the City believes that much of the C&D is being diverted (due to economics), it was unaware as to whether this is actually occurring.
- In addition, the City has conducted minimal education/outreach with its contractors as to the operational requirements of the ordinance (the City met once with the three area contractors and gave them a copy of the ordinance.)
- As a result of the September 6 meeting, Board staff requested the following additional information be provided by the City by September 16, 2005: contractor's waste tonnages of waste disposed and waste diverted (if available) since the ordinance went into affect; information on how the City plans to begin enforcing the ordinance; and, what outreach the City plans to do to inform haulers of the enforcement of this ordinance.
- On September 16, 2005, the City submitted tonnage reports from 2 of the 4 developers in the area; however, the tonnage reported does not specify whether the tonnage was recycled or disposed. The City indicated that tonnage reports for the other 2 haulers are forthcoming, but indicated no specific date for submitting the documentation.
- Furthermore, the City did not provide Board staff information regarding its plans to begin enforcing the ordinance, nor did it provide its outreach plan.

Program 4, Conduct Business Waste Assessments and Technical Assistance:

- Although the City states that most of the businesses within the City have received waste assessments, Board staff have been unable to obtain the list/waste assessment results for those businesses.
- Board staff are also aware that some of the top generating businesses in the City (Salter Laboratories and Grimmway Farms) have not yet received waste assessments. Board staff learned that to date, these assessments have still not been completed despite the City's assurance that these would be completed by the end of the Compliance Order timeframe.
- In addition, the City has been unable to provide Board staff with program participation/implementation technical assistance provided to those businesses that were assessed.
- In its final quarterly update submitted September 16, 2005, the City indicated that the waste assessments for Salter and Grimmway have still not been done; however, the City said it plans to work with the hauler to do those.
- On October 12th & 19th, 2005, the City submitted documentation stating that both Salter and Grimmway have received waste assessments and technical assistance to ensure that their recyclable waste stream is being diverted.

Program 5, Expand Commercial Recyclable Collection to All Businesses:

- At the time of the site visit, the City informed Board staff that five of the businesses (City's larger generators – McDonalds, Burger King, Ranch Market, Salter Laboratories and Grimmway Farms) within the

City currently do not have recyclable materials collection. In its final quarterly LAP update, the City clarified that one of the five businesses (Ranch Market) now has a recycling bin. Board staff then called and confirmed that McDonald's and Burger King also now have recycling bins. In October, the City conducted waste assessments and technical assistance to the two remaining businesses, Salter and Grimmway. The City believes that the majority of the businesses containing the majority of the waste stream do have recycling service and the hauler has indicated it plans to fully implement recycling at these businesses pending specific action by the City Council.

Program 6, Commercial Greenwaste Collection:

- The City requested to amend the LAP and proposed an alternative Commercial Greenwaste Collection Program to the LAP, which was approved by Board staff. The terms of agreement were that the City would provide the following specific information, which was requested by September 9, 2005, and then by September 16, 2005, but has not been provided to date.
 - Names of businesses, including schools and City offices, within Arvin that generate greenwaste. This information has not been provided to date.
 - For each of the above business, provide the name and final destination of the greenwaste, or name of the landscape service and final destination. This information was also not provided.
 - Verification that those businesses without landscapers have been offered the same greenwaste service as residents. The City's hauler submitted this information on September 16, 2005.
 - Examples of outreach in the form of mailers letting all the businesses know how important greenwaste recycling is to the City. The City's hauler submitted this information on September 16, 2005.

Program 9, Submittal of Quarterly Status Updates and Supporting Documentation:

- The City has been consistently late in submitting quarterly LAP status updates.
- As of September 6, 2005, the City had not submitted its final program implementation status update, which was due August 15, 2005. Board staff requested this be submitted by September 16, 2005.
- The City submitted their final quarterly update on September 16, 2005.

Overall, City representatives have acknowledged to Board Staff that the City maintains ultimate responsibility for program implementation and has failed to implement several program tasks by the required LAP due dates; however, the City continues to indicate it is committed to get the programs in place. In late September 2005, the City hired a consultant to review the City's situation and provide recommendations and specific actions to address Board staff's concerns. These recommendations (see Attachment 4) and an agreement with the City and consultant were unanimously approved at the October 11, 2005, City Council meeting.

Ensuring Continued Program Implementation

As discussed above, the City has shown reluctance to make the efforts necessary to implement its programs in a timely manner. Because of the City's demonstrated reluctance, Board staff is concerned that once these programs have been started, the City's efforts to continue to fully implement these programs will wane. Therefore, Board staff is recommending that the Board include a potential fine should the City let any of these programs drop over the course of the next year. While continued full implementation is implicit within all LAPs, Board staff believes that including an explicit potential fine for this City is necessary given the City's efforts to date.

3. Analysis of Penalty Criteria

Staff has reviewed penalty criteria described in Public Resources Code 41850, and the Board's Countywide Integrated Waste Management Plan Enforcement Policy, Part II that was approved by the Board on February 14, 1995, and revised August 14, 2001. Statute requires the Board to consider factors that include:

Good Faith Effort; Natural Disasters; Budgetary Constraints; Work Stoppages; Failure of Public Agencies to Participate; Alternative Program Implementation Efforts; Diversion Rate; Board Approved Time Extensions or Alternative Diversion Rate; and Impacts and Efforts Related to Construction and Demolition Waste.

Staff has identified the statutory criteria relative to the Board's consideration of penalties for this city is limited to the City's Good Faith Effort and diversion rate. These statutory criteria were selected by staff because they appear to include the most relevant information necessary for deciding whether or not to impose a penalty in this case, and, if one is to be imposed, the amount of the penalty. To assist the Board in applying the statutory criteria, the following factual information is presented in analyzing the jurisdiction's Good Faith Effort (see Attachment 3 for a detailed chronology of communications, by LAP program task, between Board staff and the City from the time the City signed the LAP to-date):

- On June 18, 2002, the Board approved a SB 1066 ADR for the City of Arvin to allow the City until December 31, 2003, to implement additional programs to reach the diversion goal of 45 percent.
- As a result the City's failure to implement their ADR, the Board, at its January 2004 meeting, ended the ADR and issued Compliance Order IWMA BR03-05 to the City of Arvin for not sufficiently implementing the diversion programs listed in the City's SRRE to achieve the 50 percent diversion requirement.
- The Board's compliance order for the City included development of a LAP that required the City to work with Board staff to determine gaps in program areas and make recommendations in improving, expanding, or implementing new diversion programs (known as a "needs assessment"). The compliance order required the City to agree to, and sign, the LAP by May 31, 2004.
- As part of the LAP workplan development, Board and City staff, as well as the hauler met on March 2nd and 3rd, 2004, to review the City's existing programs, identify program gaps and discuss areas of potential program assistance. This visit included a tour of the City. Board staff developed a draft LAP that reflected the programs and schedule the City would follow for implementation. The LAP was then forwarded to the City for review, comments and signature. The LAP was signed by the City on June 14, 2004.

- Throughout the course of the Compliance Order, the City has experienced difficulty completing tasks in a timely manner. Challenges and disagreements between the City and its hauler have resulted in program implementation delays.
- Although many of the programs identified in the City's LAP have been completed, there are four programs that are not yet completed: Construction & Demolition Ordinance (C&D), Business Waste Assessments, Commercial On-site Recycling Collection, and Commercial Greenwaste. Ultimately, it is the City's responsibility to ensure that all of the agreed upon programs in their LAP are implemented by the required due dates.

4. Penalty Analysis

Maximum Potential Penalty

The maximum potential penalty that the Board could impose upon the city would be in the amount of \$10,000 per day. Based upon information available at the time that this item was prepared, and for the reasons discussed in this agenda item, staff recommends that the Board select the length of the one-time penalty from the list of options in Option 1. If the jurisdiction continues to fail to implement its past due LAP program tasks by November 30, 2005, Board staff recommends that the Board select a length of time for a daily penalty from the list of options in Option 2. Finally, should the jurisdiction fail to continue implementation of its LAP tasks before December 31, 2006, staff recommends the Board assess a daily penalty from the list of options in Option 3.

If after considering information presented in this item and at the public hearing, the Board determines a penalty is justified for the City's delay in complying with specific requirements of the compliance order, staff recommends the penalty be assessed in accordance with the Board's Countywide Integrated Waste Management Plan Enforcement Policy, Part II, using the moderate penalty range of \$1,000 to \$5,000 per day. However, based on mitigating factors that are discussed in detail below, the recommended per day penalty amount should be modified to range from \$170 to \$850 per day. The term of the penalty will determine the total penalty and ranges from a low of \$170 to a maximum of \$6,650,000 through the date of the penalty hearing.

Determining Range for Potential Penalties

The Board may impose penalties only after a jurisdiction fails to adhere to the compliance order and schedule requirements. Penalties should be levied according to the cause of failure to adequately implement a SRRE. The Board's enforcement policy provides three ranges for potential penalties:

- Serious – no less than \$5,000 per day, up to \$10,000 per day for failure to implement without reason or justification.
- Moderate – no less than \$1,000 per day, up to \$5,000 per day for failure due to mitigating circumstances.
- Minor – up to \$1,000 per day for failure to meet requirements to some extent.

Based on the information presented in this item, Board staff recommends that the Board consider City of Arvin's failure to make a good faith effort to implement its SRRE and to implement its Construction & Demolition Ordinance (C&D), Business Waste Assessments, Commercial On-site Recycling Collection, and Commercial Greenwaste program listed in the LAP, as required by the City's compliance order, as a moderate violation.

The moderate violation level has been selected because the City failed to implement its SRRE and subsequent LAP due to mitigating circumstances that have no bearing on natural disasters and work stoppages. Also, the City has been given ample time to complete all of the programs listed in their LAP. Furthermore, Board staff have consistently assisted the City, as well as provided the City additional time beyond the original due date, to complete all programs.

The penalty range of serious was not selected as the City has made efforts to work with Board staff on the compliance order and has implemented some of the LAP programs. Additionally the penalty range of minor was not selected because although the City has implemented most of the programs in its SRRE, to date, implementation has occurred at a level below that needed to achieve the diversion requirements.

Determining Length of Time For Calculating Penalties

Board staff has identified options, under Option 1, for the length of time that the Board may choose from in assessing a one-time penalty if the Board determines a penalty is justified.

Board staff has also identified options, under Option 2, for the length of time that the Board may choose from in assessing a daily penalty, which may be assessed if the jurisdiction fails to implement its past due program tasks by November 30, 2005 (22 days from the penalty hearing date). Board staff is making this recommendation based on what timeframe it feels the City can implement its LAP programs, given the extended time beyond the original LAP completion date of June 30, 2005. Board staff recommend that the City commit to November 30, 2005, to implement all past due tasks. However, the Board may also identify an alternative length of time.

Finally, Board staff has identified options, under Option 3, for the length of time the Board may choose from in assessing a daily penalty, which may be assessed if the jurisdiction fails to continue implementation of its LAP programs until December 31, 2006. Board staff is making this recommendation to ensure continued implementation of LAP programs for at least one year. Options are listed in Section III of this agenda item.

In determining a length of penalty, the Board should consider how the City's delay in complying with specific requirements of the LAP (see Attachment 3) has required staff to shift staff resources away from other program activities, such as site visits and providing technical assistance to other jurisdictions. Resources were required to prepare a Notice of Penalty Hearing, conduct additional file review, prepare a contact table noting implementation of tasks and program gaps, and prepare the agenda item necessary for the public hearing and related attachments. All of these items were needed to enforce the requirements of the compliance order that the Board approved to allow the City additional time in meeting diversion requirements and to offer additional assistance in identifying program gaps and corrective actions. In addition, all of these items require significant staff resources to prepare and finalize.

Additional Mitigating Factors For Recommending a Penalty Amount

Based on previous penalty actions considered by the Board, staff recommends the Board consider additional factors when determining an actual penalty amount. Staff

selected three factors that are related to the impact that the penalty might have on the jurisdiction and also the relative impact of the jurisdiction's waste disposal on statewide disposal reduction. The three factors are population, taxable sales, and waste disposal. More specifically, staff reviewed the relative ranking of the jurisdiction in these three areas in comparison to all other jurisdictions within the State and identified the City's relative rank out of 434 is as follows:

- The City of Arvin had a 2003 population of 14,150. This ranks 24th in percentile of jurisdictions.
- The City of Arvin had 2003 taxable sales of \$36,954. This ranks 11th in percentile of jurisdictions.
- The City of Arvin had 2003 disposal of 10,103 tons. This ranks 17th in percentile of jurisdictions.

The average of the percentile ranking of these three factors (24, 11, and 17) for the City of Arvin is 17 percent calculating from lowest to highest among all California jurisdictions. Staff is recommending that this percentage be applied to the base penalty if the Board determines that a penalty is justified. Thus, if the lower end of the moderate penalty range were used, the penalty would be 17% of \$1,000 or \$170 per day. If the higher end of the moderate penalty range were used, the penalty would be 17% of \$5,000 or \$850 per day.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Staff does not anticipate any program or long-term impacts related to this item.

D. Stakeholder Impacts

The City is at risk of financial penalties for not complying with the Board approved compliance order.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

This represents the process for implementing PRC Section 41825 that directs the Board to conduct a biennial review to determine a jurisdiction's progress in implementing its SRRE and HHWE. If a jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), the Board may issue a compliance order and schedule a public hearing (PRC Section 41825). Penalties of up to \$10,000 per day may be levied if the provisions of the compliance order and schedule are not met (PRC Section 41850).

G. Environmental Justice

- **Community Setting**

2000 Census Data – Demographics for City of Arvin						
% White	% Hispanic	% Black	% Native American	% Asian	% Pacific Islander	% Other
9.8	87.5	0.5	0.3	1.0	0.0	0.1

2000 Census Data – Economic Data for City of Arvin		
Median annual income*	Mean (average) income*	% Individuals below poverty level
23,674	30,855	32.6

*Per Household

- **Environmental Justice Issues**

Board staff has received information from the City that ethnic diversity and poverty are issues the City must consider regarding the type and cost of programs that the City will implement.

In the development of the LAP, staff met with the City to discuss the programs that would enable the City to achieve diversion requirements and that could feasibly be implemented.

- **Efforts at Environmental Justice**

During the past, the City's hauler has used door hangers, in English and Spanish, and the newspaper to advertise the City's bulky waste collection and food waste diversion programs. More recently, the City and hauler have promoted new and existing programs using: Informational stickers (with pictures) for curbside recycling & greenwaste carts; telephone book recycling newspaper advertisements; bi-lingual letters & flyers mailed to all commercial, residential, and new customers; bi-lingual recycling & greenwaste newsletter mailed out to all residents & businesses; bi-lingual newsletter given to all residents & businesses as part of an information packet when they receive their recycling & greenwaste carts; and a bilingual recycling & greenwaste service calendar.

H. 2001 Strategic Plan

This item supports:

Strategic Plan goal 2, objective 3 (Support local jurisdiction's ability to reach and maintain California's waste diversion mandates), strategy (D) Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed.

Strategic Plan goal 7, objective 1 (Promote source reduction to minimize the amount of waste generated), strategy (B) Continue to work with jurisdictions to ensure they meet and/or exceed existing waste diversion mandates by demonstrating staff's continual efforts to work with jurisdictions to ensure they meet and/or exceed the waste diversion mandates.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Notice of Hearing
2. Compliance Order IWMA BR03-05
3. LAP Program Implementation Table and Communication Log Between Board and Jurisdiction
4. City of Arvin's Response to Address CIWMB Comments
5. Resolution Number 2005-310

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Nikki Mizwinski

Phone: (916) 341-6684

B. Legal Staff: Elliot Block

Phone: (916) 341-6080

C. Administrative Staff: N/A

Phone: N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

None

B. Opposition

None



California Integrated Waste Management Board



Alan C. Lloyd,
Ph.D.
*Secretary for
Environmental*

Rosario Marin, Chair
1001 I Street • Sacramento, California 95814 • (916) 341-6000
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025
www.ciwmb.ca.gov

Arnold
Schwarzenegger

Special Board Meeting
November 8, 2005

Agenda Item 1
Attachment 1

September 20, 2005

Tim Tarver, Mayor
2000 Campus Dr.
Arvin, California 93203

Dear Mr. Tarver:

SUBJECT: REVISED NOTICE TO THE CITY OF ARVIN THAT THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (BOARD) WILL CONDUCT A PUBLIC HEARING ON NOVEMBER 8, 2005 TO CONSIDER THE IMPOSITION OF ADMINISTRATIVE CIVIL PENALTIES FOR NON-COMPLIANCE WITH AB 939 (PURSUANT TO PUBLIC RESOURCES CODE SECTION 41850)

The purpose of this letter is to formally notify you that the date of the public hearing has been changed. This is to formally notify you of the Board's intent to consider the imposition of administrative civil penalties at its **November 8, 2005**, public meeting for failure to implement Compliance Order IWMA BR03-05.

On January 13, 2004, the City of Arvin (City) was issued Compliance Order IWMA BR03-05. This order required that the City meet and work with Board staff to develop a Local Assistance Plan (LAP) that the City would agree to by May 31, 2004. The order also required that the City implement the tasks specified in the LAP by the due dates listed in the LAP. Based on the information provided in the City's LAP updates, as well as numerous discussions with City staff, Board staff believes the City has failed to demonstrate a good faith effort to implement all of the specific tasks listed in the LAP by the required due dates.

Attached is the formal public notice regarding this hearing. A representative of the City is requested to attend to answer any questions from the Board. We appreciate your cooperation on this matter.

Should you have any questions about this letter, or the upcoming hearing, please contact Tabetha Willmon at (916) 341-6251 or Nikki Mizwinski at (916) 341-6271.

Respectfully,

Patrick Schiavo, Deputy Director
Diversion Planning and Local Assistance Division

Cc: Enrique Ochoa-Medina, City Manager

California Environmental Protection Agency

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California Integrated Waste Management Board



Alan C. Lloyd,
Ph.D.
*Secretary for
Environmental*

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Arnold
Schwarzenegger

Special Board Meeting
November 8, 2005

Agenda Item 1
Attachment 1

NOTICE OF PUBLIC HEARING TO CONSIDER IMPOSITION OF ADMINISTRATIVE CIVIL PENALTIES in the matter of

THE CITY OF ARVIN

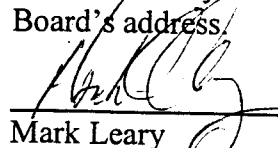
The California Integrated Waste Management Board (CIWMB) has scheduled a public hearing, in accordance with Public Resources Code Section 41850 (Attachment 1), in order to determine whether or not to impose administrative civil penalties against the City of Arvin, for failure to complete a Compliance Order (IWMA BR03-05) issued in accordance with the requirements of the Integrated Waste Management Act (Public Resources Code Section 40000 et sec.) by failing to demonstrate a good faith effort to implement the specific tasks listed in the Local Assistance Plan, as required by the Compliance Order.

The hearing will be held as follows:

Date: November 8, 2005
Time: 10:00 am
Place: Sierra Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

At the hearing, the Board's staff and the City will be given an opportunity to present evidence concerning this subject matter. The City may, but need not, be represented by counsel. If possible, written information to be presented to the Board at the hearing should be furnished to the CIWMB by October 28, 2005 (10 days before the hearing) in order to allow the Board adequate time for review. Attached is a copy of the procedure to be used for the conduct of this hearing (Attachment 2). Also, attached is a summary of the factors to be considered by the Board in making a penalty determination (Attachment 3).

If there are any questions about the hearing facility, please contact Sue Kumpulainen at (916) 341-6550. Any documents to be submitted should be sent to Ms. Kumpulainen's attention at the Board's address.


Mark Leary
Executive Director

9/20/2005
Date

California Environmental Protection Agency

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Public Resources Code Section 41850

(a) Except as specifically provided in Section 41813, if, after holding the public hearing and issuing an order of compliance pursuant to Section 41825, the board finds that the city, county, or regional agency has failed to make a good faith effort to implement its source reduction and recycling element or its household hazardous waste element, the board may impose administrative civil penalties upon the city or county or, pursuant to Section 40974, upon the city or county as a member of a regional agency, of up to ten thousand dollars (\$10,000) per day until the city, county, or regional agency implements the element.

(b) In determining whether or not to impose any penalties, or in determining the amount of any penalties imposed under this section, including any penalties imposed due to the exclusion of solid waste pursuant to Section 41781.2 that results in a reduction in the quantity of solid waste diverted by a city, county, or regional agency, the board shall consider whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element. In addition, the board shall consider only those relevant circumstances that have prevented a city, county, or regional agency from meeting the requirements of this division, including the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, including, but not limited to, all of the following:

- (1) Natural disasters.
- (2) Budgetary conditions within a city, county, or regional agency that could not be remedied by the imposition or adjustment of solid waste fees.
- (3) Work stoppages that directly prevent a city, county, or regional agency from implementing its source reduction and recycling element or household hazardous waste element.

(4) The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction on the host jurisdiction's ability to meet the requirements of paragraph (2) of subdivision (a) of Section 41780.

(c) In addition to the factors specified in subdivision (b), the board shall consider all of the following:

- (1) The extent to which a city, county, or regional agency has implemented additional source reduction, recycling, and composting activities to comply with the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

(2) The extent to which a city, county, or regional agency is meeting the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.

(3) Whether the jurisdiction has requested and been granted an extension to the requirements of Section 41780, pursuant to Section 41820, or an alternative requirement to Section 41780, pursuant to Section 41785.

(d) (1) For the purposes of this section, "good faith effort" means all reasonable and feasible efforts by a city, county, or regional agency to implement those programs or activities identified in its source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(2) For purposes of this section "good faith effort" may also include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the city, county, or regional agency to meet the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, provided that the city, county, or regional agency has submitted a compliance schedule pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

(3) In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.

CIWMB HEARING PROCEDURE
PUBLIC HEARINGS TO BE HELD IN ACCORDANCE WITH PUBLIC
RESOURCES CODE SECTION 41850

1. CALL TO ORDER AND ANNOUNCE PURPOSE OF HEARING
2. SWEARING IN OF WITNESSES - OATH
3. BOARD STAFF PRESENTATION REGARDING
NON-COMPLIANCE AND RECOMMENDATIONS
 - A. BOARD LEGAL COUNSEL DESCRIPTION OF LEGAL
FRAMEWORK FOR HEARING

RELEVANT STATUTES AND REGULATIONS
REVIEW OF HEARING PROCEDURES
ISSUES TO BE DECIDED
 - B. DIVERSION PLANNING AND LOCAL ASSISTANCE STAFF
PRESENTATION (INCLUDING SUBMISSION OF DOCUMENTS INTO
THE ADMINISTRATIVE RECORD)

RELEVANT REQUIREMENTS OF THE COMPLIANCE ORDER
STATUS OF SUBMITTALS, IF ANY
DESCRIPTION OF ALLEGED FAILURE TO COMPLETE THE
COMPLIANCE ORDER
ANALYSIS OF CRITERIA AND PENALTY RECOMMENDATION
QUESTIONS BY BOARD MEMBERS
4. PRESENTATION BY JURISDICTION

RESPONSE TO STAFF PRESENTATION
SUBMISSION OF DOCUMENTS, IF ANY
QUESTIONS BY BOARD MEMBERS
5. BOARD DELIBERATIONS IN CLOSED SESSION
6. ANNOUNCEMENT OF BOARD DECISION
7. ISSUANCE OF ORDER WITHIN 30 DAYS

Criteria For Penalties For Failure To Complete A Compliance Order

PRC 41850 identifies the following factors to be considered by the Board in making a penalty determination:

1. Good Faith Effort
 - Whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste element. "Good faith effort" means all reasonable and feasible efforts by a city, county, or regional agency to implement those programs or activities identified in its source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.
 - "Good faith effort" may also include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the city, county, or regional agency to meet the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, provided that the city, county, or regional agency has submitted a compliance schedule pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.
 - In determining whether a jurisdiction has made a good faith effort, the board shall consider the enforcement criteria included in its enforcement policy, as adopted on April 25, 1995, or as subsequently amended.
2. Natural disasters that have prevented a jurisdiction from meeting the diversion requirements.
3. Budgetary conditions within a city, county, or regional agency that could not be remedied by the imposition or adjustment of solid waste fees that have prevented a jurisdiction from meeting the diversion requirements.
4. Work stoppages that directly prevent a city, county, or regional agency from implementing its source reduction and recycling element or household hazardous waste element.
5. The impact of the failure of federal, state, and other local agencies located within the jurisdiction to implement source reduction and recycling programs in the jurisdiction on the host jurisdiction's ability to meet the requirements of paragraph (2) of subdivision (a) of Section 41780.
6. The extent to which a city, county, or regional agency has implemented additional source reduction, recycling, and composting activities to comply with the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.
7. The extent to which a city, county, or regional agency is meeting the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780.
8. Whether the jurisdiction has requested and been granted an extension to the requirements of Section 41780, pursuant to Section 41820, or an alternative requirement to Section 41780, pursuant to Section 41785.

Factual Criteria - Staff Analysis

In addition to the above, staff will providing information on the following criteria to the Board to assist in applying the statutory criteria. The following factual criteria are designed to provide relevant information for deciding whether or not to impose a penalty, and, if one is to be imposed, the amount of the penalty:

- 1) Which element was not implemented - Failure to complete a Compliance Order for a SRRE could be considered more significant than failure to complete one for a HHWE since the later is not related to the diversion rate.
- 2) How much of the Compliance Order was not completed – Failure to implement a large number of new programs, or one very significant program could be considered more significant than the failure to implement one of twenty programs.
- 3) Reasons for failure to complete Compliance Order – Staff may be aware in advance of the hearing of reasons offered by the jurisdiction which could be relevant for Board consideration.
- 4) Effect of failure to complete on the achievement of the diversion requirements – This information could be relevant if the jurisdiction has made progress in meeting the diversion requirements although it hasn't completed the Compliance Order.
- 5) Economic situation of the jurisdiction and effect of penalty on implementation - This criteria could be relevant when determining good faith effort. It might also be relevant for determining the amount of the penalty. A \$5,000 a day fine for a small jurisdiction would be more significant than the same fine for a large one.
- 6) Other information - This would be a "catch-all" criteria which would allow staff flexibility to provide information on any other relevant information that is known.

**STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

In the Matter of:)	Tracking No: IWMA BR03-05
)	
)	
City of Arvin)	COMPLIANCE ORDER
County of Kern)	
)	
)	Public Resources Code
Jurisdiction)	Section 41825

INTRODUCTION

- 1.1 **Parties:** The California Integrated Waste Management Board (Board) issues this Compliance Order (Order) to the City of Arvin (City), County of Kern.

- 1.2 **Authority:** Section 41825 of the Public Resources Code (PRC) requires the Board to review implementation of each Jurisdiction's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE), at least once every two years; this Biennial Review is the Board's independent evaluation of a Jurisdiction's progress in implementing the SRRE and HHWE selected programs and reaching the diversion requirements of PRC Section 41780. If a Jurisdiction is not meeting the mandates of the Integrated Waste Management Act (IWMA), the Board may issue a compliance order and schedule (PRC Section 41825). Fines of up to \$10,000 per day may be levied if the provisions of the compliance order and schedule are not met (PRC Section 41850).

- 1.3 Sections 41033 and 41333 of the PRC, respectively, provide that any waste characterization component prepared by a Jurisdiction pursuant to Sections 41030 or 41330, and any other information submitted by a Jurisdiction to the Board on the quantities of solid waste

generated, diverted, and disposed of, shall include data which is as accurate as possible, on the quantities of solid waste generated, diverted, and disposed of, to enable the Board, to the maximum extent possible, to accurately measure the diversion requirements established under paragraph (1) of subdivision (a) of Section 41780.

DETERMINATION OF COMPLIANCE DEFICIENCIES

- 2.1 Board staff conducted a Biennial Review of the City's SRRE. After considering the results of this review and the adoption of this Order at a public hearing commencing on ~~December 16-17,~~ 2003, January 13-14, 2004, the Board determined:
- 2.2 The Jurisdiction failed to comply with PRC Section 41825 in that it failed to adequately implement programs listed in its SRRE that target significant portions of the City's waste stream. In addition, the Jurisdiction failed to comply with PRC Section 41780 in that it did not meet the solid waste diversion requirement of 50 percent by 2000. The Jurisdiction's diversion rate in 2000 was 28 percent.
- 2.3 The Jurisdiction failed to demonstrate that it made a good faith effort in implementing its SRRE in accordance with PRC Section 41850. The Jurisdiction did not provide information to indicate that it had made all reasonable and feasible efforts to implement its SRRE or alternative programs that achieve the same or similar results.

SCHEDULE FOR COMPLIANCE

- 3.1 Based on the foregoing determination of compliance deficiencies, it is hereby ordered that the City shall:
- a. Work with the Office of Local Assistance staff to determine gaps in program areas and make recommendations in improving, expanding, or implementing new diversion programs. OLA staff will conduct a needs assessment meeting with the City and outline the scope of a local assistance plan. The City will agree to the local assistance plan by May 31, 2004.
- 3.2 **Penalties:** At the end of the compliance order, the Board shall hold a public hearing to determine whether or not the Jurisdiction has complied with Section 3.1 of this Order. Failure to comply with any part of the Compliance Order at any time may result in fines of up to (\$10,000) per day in accordance with PRC Section 41850(a). A public hearing may be scheduled earlier if the Board determines that the Jurisdiction has complied with the conditions of the Order ahead of schedule.
- 3.3 **Submittals:** All documents required to be submitted by the Jurisdiction as noted above shall be sent to:
- Nikki Mizwinski
Office of Local Assistance, MS 25
California Integrated Waste Management Board
1001 I Street, P.O. Box 4025
Sacramento, CA 95812**
- Attn: Compliance Order Correspondence**
- 3.4 **Communications:** All approvals and decisions of the Board made regarding the adequacy of submittals will be communicated to the Jurisdiction in writing by the Board or its designee. No informal advice, guidance, suggestions, or comments by the Board staff regarding reports,

plans, schedules, or any other documents submitted by the Jurisdiction shall be considered to be Board approvals.

- 3.5 Board Review and Approval: If the Board determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to achieve successful implementation of the SRRE, the Board or its designee may:
- a. Serve a notice that the Board will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850, or
 - b. Order the Jurisdiction to change the document (if there are major changes) as deemed necessary and approve the document as changed, or
 - c. Return the document to the Jurisdiction with recommended changes (if there are minor changes) and a date by which the Jurisdiction must submit to the Board the document incorporating the recommended changes.
- 3.6 Compliance with Applicable Laws: The Jurisdiction shall carry out this Order in compliance with all Local, State, and Federal requirements, including but not limited to requirements to obtain necessary permits.
- 3.7 Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of the Jurisdiction.
- 3.8 Government Liabilities: The State of California and the Board shall not be liable for injuries or damages to persons or property resulting from acts or omissions in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Jurisdiction or its agents in carrying out activities pursuant to the Order.

The Jurisdiction shall indemnify, defend and save harmless the State, its officers, agents, and employees from any and all claims and losses accruing or resulting in connection with the performance of this Order.

- 3.9 Extension Request: If the Jurisdiction is unable to perform any activity or submit any document within the time required under this Order, the Jurisdiction may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.
- 3.10 Extension Approvals: If the Board or its designee determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.
- 3.11 Parties Bound: This Order shall apply to and be binding upon the Jurisdiction and upon the Board and any successor agency (regional agency etc.) that may have responsibility for, and the Jurisdiction over, the subject matter of this Order.

EFFECTIVE DATE

- 4.1. This Order is final and effective from the date of issuance.

Date of Issuance January 13, 2004


Linda Moulton-Patterson, Chair
California Integrated Waste Management Board

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
1. Implement a New Construction and Demolition (C&D) Debris Recycling Ordinance				
(A.) Send copies of sample C&D policies/ordinances to the City.	Board Staff	LAP Task Due: 9-30-04 Status: Completed 7-6-04	7-15-04: Board Staff called the City Manager, to let him know Board Staff sent him an e-mail and check up on the progress of this task. He was on another line so Board Staff asked that he return the call.	7-6-04: Board Staff sent City Hauler and City Mgr. an e-mail containing the CIWMB Model C&D Ordinance website. This website has sample ordinances, specifications, local C&D recyclers, and other useful C&D information. 7-12-04: Board Staff e-mailed the City Hauler and City Mgr. C&D outreach materials, examples of C&D ordinances, and contact information for other jurisdictions. 7-15-04: Board Staff mailed City Hauler and City Mgr. a package containing C&D outreach materials. 7-15-04: Board Staff sent the City Mgr. a copy of other jurisdictions' C& D ordinances. 7-26-04: Board Staff sent the City Mgr. and City Hauler the C&D conference transcript via e-mail containing copies of sample ordinances. 8-19-04: Board Staff e-mailed City Mgr. the following: Information previously sent on July 6, 12, 15, and 26, as well as those ordinances discussed at the Board-sponsored C&D Conference.
(B.) Establish a database of C&D asphalt and concrete waste generators (including new home builders and contractors who have been building in the County during the past five years), and a database of existing and potential markets for the concrete debris and make information available to the public.	City	LAP Task Due: 9-30-04 Status: Completed 12-6-04	9-2-04: City Mgr. and City Consultant faxed & e-mailed lists, and called Board Staff to explain that they were working on this task on the following dates: 9-2-04, 9-3-04, 9-22-04, 9-29-04, and 11-24-04.	8-30-04: Board Staff sent an e-mail to the City Mgr. & City Consultant and left a message via phone for the City Mgr. to request status updates for this task by 9-2-04. 9-10-04: Board Staff conducted a conference call to determine the implementation status of this task with City Mgr. & City Consultant. The City indicated that this task was progressing. 10-29-04: Board Staff conducted a site visit and meeting with the City Mgr. and City Consultant to go over implementation status; however, upon Board Staff's arrival, the City Mgr. and City Consultant were not able to attend so the Secretary attended as an alternate. Board Staff requested additional information regarding the completion of this task. 11-23-04: Board Staff called and e-mailed the City Consultant and City Mgr. to request status updates for this task. 12-6-04: Board Staff reviewed the status of this task via

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
Submit listings from both databases to CIWMB-OLA for review.				conference call. Task was deemed to be completed because the City provided the lists.
(C.) Provide information on potential markets. (D.) Provide technical assistance information on model C&D ordinances, including contacts for similar cities/counties so Arvin can discuss C&D program implementation/outreach strategies	Board Staff	LAP Task Due: 9-30-04 Status: Completed 8-6-04	N/A	<p>2-18-04 and 6-9-04: Board Staff e-mailed a C&D Conference notification flyer to City Hauler and City Mgr.</p> <p>6-17-04: Board Staff sent an e-mail to the City's Consultant and City Manager to remind them that they can attend or listen to the C&D diversion ordinances workshop scheduled at the Board on July 8. The e-mail contained contact/location information and a link to listen over the web.</p> <p>7-6-04: Board Staff sent the City Hauler and City Manager an e-mail containing the CIWMB Model C&D Ordinance website. This website has sample ordinances, specifications, local C&D recyclers, and other useful C&D information.</p> <p>7-12-04: Board Staff sent the City Hauler and City Manager an e-mail containing: Web link to potential local markets for materials; contact information for six local recyclers, including tipping fees; examples of C&D ordinances; and contact information for other jurisdictions.</p> <p>7-26-04: Board Staff sent the City Manager (and City Hauler) the C&D conference transcript via e-mail containing C&D ordinance technical information.</p> <p>8-4-04 and 8-6-04: Board Staff called the City Consultant who said the City was working on a C&D ordinance that included a \$500 recycling deposit and a requirement to show proof of 50% recycling of generated C&D.</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
<p>(E.) Evaluate the impact, development and implementation of a C&D Ordinance and discuss the City's plan with CIWMB-OLA.</p> <p>(F.) City will draft a C&D Ordinance, including standards for when C&D diversion is required (per minimum project cost or square feet, for example), and circulate the draft to appropriate stakeholders, including CIWMB-OLA, for review.</p>	City & Board Staff	<p>LAP Task Due: 9-30-04</p> <p>Status: Completed 12-6-04</p>	<p>8-16-04: City Mgr. faxed Board Staff a copy of the City's new draft proposed C&D ordinance.</p> <p>9-22-04: City Mgr. faxed Board Staff a proposal of technical assistance that included evaluating the impact, development and implementation of the C&D Ordinance, from the City Hauler to the City with suggestions to help the City implement these tasks.</p> <p>9-29-04: City Mgr. e-mailed a document to update Board Staff on the status of these tasks including efforts to circulate the draft ordinance with stakeholders for review.</p> <p>10-12-04: City Mgr. e-mailed Board Staff to ask if Board Staff had reviewed the updated ordinance.</p> <p>11-24-04: City Mgr. e-mailed Board Staff to say he will have answers ready for the conference call.</p> <p>12-6-04: Board Staff received details pertaining to these tasks at today's conference call.</p> <p>12-13-04: City Mgr. sent information on LAP implementation in response to Board Staff's 11-23-04 request.</p>	<p>8-19-04: Board Staff e-mailed the City Mgr. Board Staff's feedback on the City's C&D ordinance.</p> <p>8-19/20-04: Board Staff called the City Mgr. to discuss the draft C&D ordinance and the City's past efforts to evaluate the impact, development and implementation of a C&D Ordinance with the City Mgr. and City Consultant via e-mail. The City representatives said they would edit it and resubmit in five days. If we agreed with the resubmitted ordinance, they would have the City Attorney review it and take it to the City Council. They mentioned that they did receive other jurisdiction's sample ordinance to use as examples.</p> <p>8-24-04: Board Staff received an edited copy of Arvin's proposed C&D ordinance. Board Staff will review it with CIWMB technical experts and get back to the City.</p> <p>8-26-04: Board Staff let the City Consultant and City Mgr. know that it would take time to review the edited copy of Arvin's new proposed C&D ordinance.</p> <p>8-30-04: Board Staff sent an e-mail and called the City Mgr. and City Consultant requesting status updates by 9-2-04, for these tasks.</p> <p>9-3-04: Board Staff scheduled a conference call for 9-10-04 with the City Mgr. & City Consultant. Board Staff e-mailed the City Mgr. & City Consultant a reminder for the conference call with agenda and a copy of the LAP, including questions to highlighted tasks.</p> <p>9-10-04: Board Staff conducted a conference call to discuss questions listed in e-mail to City Mgr. (8-30-04), with City Mgr. & City Consultant.</p> <p>9-14-04: Board Staff e-mailed the conference call summary to the City Mgr. & City Consultant.</p> <p>9-21-04: Board Staff e-mailed & faxed to the City Mgr. & City Consultant Board Staff's feedback on City's draft C&D Ordinance.</p> <p>9-29-04: Board Staff talked to the City Consultant and City</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
				<p>Mgr. to confirm receipt of revised first LAP update (covering these tasks) and let them know that Board Staff would review it soon.</p> <p>10-13-04: Board Staff e-mailed the City Mgr. & City Consultant acknowledging the City's effort on its first LAP Report.</p> <p>10-22-04: Board Staff called the City to schedule a meeting to go over the first LAP status update. City Mgr. agreed to the meeting with Board Staff and the City Consultant on 10-29-04 to go over the status of these tasks.</p> <p>10-29-04: Board Staff scheduled a site visit and meeting with the City Mgr. and City Consultant to go over implementation status; however upon Board Staff's arrival, the City Mgr. and City Consultant were not able to attend so the Secretary attended as an alternate. Board Staff requested additional information regarding the completion of these tasks.</p> <p>11-23-04: Board Staff e-mailed the City Consultant & City Mgr.: The List of LAP status questions pertaining to these tasks and a request for written answers by 12-1-04. Board Staff received answers on 12-13-04, and requested conference call. Board Staff followed up by leaving a message with the City Secretary for the City Mgr. detailing the e-mail and its importance.</p> <p>12-6-04: Board Staff reviewed the status of these tasks via conference call. Tasks were deemed to be completed.</p> <p>12-14-04: Board Staff e-mailed the City Mgr. & City Consultant summary notes from the conference call on 12-6-04.</p>
(G.) Conduct a meeting with City Planning/Building Divisions, representatives from contractors/builders, local haulers to discuss logistical issues, the regional	City	<p>LAP Task Due: 12-31-04</p> <p>Revised Due Date: 2-8-05</p> <p>Status: Completed 2-10-05</p>	<p>12-30-04: City Mgr. e-mailed Board Staff an extension request for a 90-day extension to this task.</p> <p>2-1-05: City Mgr. phoned to request to replace the City's first extension request with the second extension request (delays task 120-days), due to further delays in solid waste contract negotiations with the franchised hauler and a need for the City Council to approve any</p>	<p>12-20-04: Board Staff e-mailed City Mgr. & City Consultant a request to discuss the implementation status of this program and possible need for an extension to some of the LAP tasks, as well as the process for applying for an extension.</p> <p>1-5-05: Board Staff e-mailed City Mgr. & City Consultant to acknowledge receipt of the extension request, and let them know when it will go forward.</p> <p>1-27-05: Board Staff e-mailed (& phone W/City Mgr.) with City Mgr. & City Consultant questions to clarify the extension to</p>

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
scope of the Ordinance, and obtain feedback on the draft C&D ordinance.			requested due dates and program implementation costs. 2-2-05: City Mgr. e-mailed Board Staff the second request for extension. 2-10-05: City Mgr. phoned to inform Board Staff that he met with the City hauler and most of the contractors, on 2-8-05 about the C&D ordinance; he is waiting for call backs from the remaining contractors.	LAP program/task dates. Board Staff requested answers in writing by 2-2-05. 2-4-05: Board Staff e-mailed & phoned the City Mgr. and City Hauler to set up a conference call on 2-7-05 to discuss missed and upcoming due dates. Also e-mailed agenda. 2-7-05: Board Staff conducted a conference call with the City Mgr. and City Hauler to clarify due date changes to this and other tasks. During the conference call, the City agreed to complete this task by 2-8-05. 2-10-05: Board Staff discussed the task status with City Staff via phone call and determined that they constituted completion of this task.
(H.) Complete final C&D Ordinance, prepare agenda item, and submit to the City's governing body for approval.	City	LAP Task Due: 12-31-04 Status: Completed 1-25-05	12-22-04: City Mgr. e-mailed Board Staff to say that the C&D ordinance was unanimously approved for first reading on December 14, 2004. It now needs to be published and voted upon after the second reading. It will become effective 30 days thereafter. 6-3-05: City Mgr. phoned to inform Board Staff that he would fax a copy of the ordinance, approved 1-25-05, to Board Staff by COB today. 6-6-05: City Secretary faxed Board Staff the C&D ordinance.	12-20-04: Board Staff e-mailed City Mgr. & City Consultant to ask when this ordinance was passed. 6-3-05: Board Staff phoned City Mgr.: Requested ordinance to be faxed to Board Staff by COB today.
(I.) Develop an educational outreach & training plan and provide it to CIWMB-OLA for review.	City	LAP Task Due: 12-31-04 Revised Due Date: 3-4-05 Status: Completed 2-10-05	12-30-04: City Mgr. e-mailed Board Staff an extension request for a 90-day extension to this task 2-1-05: City Mgr. phoned to request to replace the City's first extension request with the second extension request (delays task 120-days), due to further delays in solid waste contract negotiations with the franchised hauler and a need for the City Council to approve any requested due dates and program	12-20-04: Board Staff e-mailed City Mgr. & City Consultant a request to discuss the implementation status of this program and possible need for an extension to some of the LAP tasks, as well as the process for applying for an extension. 1-5-05: Board Staff e-mailed City Mgr. & City Consultant to acknowledge receipt of the extension request, and let them know when it will go forward. 1-27-05: Board Staff e-mailed (& phone W/City Mgr.) City Mgr. & City Consultant questions to clarify the extension to LAP program/task dates. Board Staff requested answers in writing

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			implementation costs. 2-2-05: City Mgr. e-mailed Board Staff the second request for extension.	by 2-2-05. 2-4-05: Board Staff e-mailed & phoned with the City Mgr. and City Hauler to set up a conference call on, 2-7-05. Also e-mailed agenda. 2-7-05: Board Staff conducted a conference call with the City Mgr. and City to discuss missed due dates and program status. 2-10-05: Board Staff reviewed the program task implementation details discussed during the phone call and determined that they constituted completion of this task.
(J.) Send copies of promotional materials, including those to be used for the media "Kick-Off" to CIWMB-OLA.	City	LAP Task Due: 12-31-04 Revised Due Date: 3-4-05 Status: Not Completed	12-30-04: City Mgr. e-mailed Board Staff an extension request for a 90-day extension to this task. 2-1-05: City Mgr. phoned to request to replace the City's first extension request with the second extension request (delays task 120-days), due to further delays in solid waste contract negotiations with the franchised hauler and a need for the City Council to approve any requested due dates and program implementation costs. 2-2-05: City Mgr. e-mailed Board Staff the second request for extension. 3-1-05: City Mgr. phoned to say he mailed draft promotional materials to Board Staff. On 6-6-05, Board Staff learned that he was referring to the only outreach given out, the ordinance itself. 9-6-05: At the site visit to Arvin, City Mgr. said the only outreach he gave contractors was copies of the C&D ordinance on 2-10-05. 9-16-05: City Hauler e-mailed and City Mgr. faxed Board Staff the fourth LAP update. 9-22-05: City Hauler sent Board Staff a copy of the City's new consultant's evaluation and program implementation recommendations. (In	2-4-05: Board Staff e-mailed & phoned with the City Mgr. and City Hauler to set up a conference call on 2-7-05. Also e-mailed agenda. The call was to discuss missed and upcoming due dates for this task. 2-7-05: At the conference call with the City Mgr. and City Hauler: City Mgr. said he would mail Board Staff the outreach. 2-8-05: Board Staff e-mailed the City Mgr. and City Hauler the summary of due dates agreed upon at yesterday's conference call. 6-3-05 and 6-6-05: Board Staff phoned the City Mgr.: Requested C&D outreach to be mailed or faxed. He said he would fax it soon. 8-30-05: Board Staff called and e-mailed the City Mgr. & City Hauler: Request for a site visit meeting on 9-6-05. Board Staff attached the Agenda and confirmed the request for documents to show completion of this task. 9-6-05: Site visit: Present: Board Staff, City Mgr. and City Hauler. Board Staff determined from the conversation at the site visit that this task has not been implemented. 9-10-05: Board Staff sent the summary of the meeting to the City Mgr. Summary includes a request to get all outstanding documents and status updates by 9-16-05. 9-16-05: Board Staff received the fourth LAP update faxed & e-mailed by the City Mgr. & City Hauler. Reports did not contain sufficient information to deem this task complete.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			September of 2005, the City Council had requested an independent evaluation by an outside consultant, who provided the City with recommendations for program implementation based on the Board's notice of penalty hearing.)	
(K.) Distribute promotional materials, including a media "Kick-Off" to inform the residents, haulers, and businesses of the new service.	City	LAP Task Due: 3-31-05 Status: Not Complete	Please See Task J above.	Please See Task J above.
(L.) Monitor program. Provide tonnage reports and effectiveness information in each quarterly update to CIWMB-OLA. Consult with CIWMB staff on program effectiveness.	City	LAP Task Due: 6-30-05 Status: Not Complete	<p>9-6-05: At the site visit to Arvin, City Mgr. told Board Staff that he gave copies of the C&D ordinance to contractors as outreach on 2-10-05. The city Mgr. also informed Board Staff that although the City passed the ordinance, it does not enforce the ordinance nor monitor diversion. However, the City feels that C&D is being diverted.</p> <p>9-16-05: Via fax from City Mgr.: He sent Board Staff the City's fourth LAP report. It has insufficient tonnage information to determine if the City's C&D ordinance is being enforced and monitored.</p> <p>9-22-05: City Hauler sent Board Staff a copy of the City's new consultant's evaluation and program implementation recommendations. (In September of 2005, the City Council had requested an independent evaluation by an outside consultant, who provided the City with recommendations for program implementation based on the Board's notice of penalty hearing.)</p>	Please See Task J above.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
2. Initiate and Develop the Bi-Weekly Residential Curbside Recyclable Materials Collection Program to All Residents Citywide				
(A.) Provide contacts for similar cities/counties so Arvin can discuss curbside program implementation/outreach strategies.	Board Staff	LAP Task Due: 9-30-04 Status: Completed 7-15-04	N/A	7-15-04: Board Staff sent City Manager (and City Hauler) five City/County referral contacts to complete Local Assistance Plan program 2A.
(B.) Draft a program implementation plan to determine program implementation needs, including funding, production of promotional materials, container size, placement, pick up and processing, and any other equipment to implement the program. Consider if there is a need for a "Variable Can Rate" as an incentive to participation. Provide the program implementation plan to CIWMB-OLA for review.	City	LAP Task Due: 9-30-04 Status: Completed 9-29-04	9-22-04: City Mgr. faxed Board Staff a proposal of technical assistance from Mountainside to Arvin to help the City implement this task. 9-29-04: City Mgr. e-mailed Board Staff the first LAP update that provided a draft program implementation plan.	8-30-04: Board Staff sent an e-mail to the City Mgr. and City Consultant requesting status updates by 9-2-04, for this task. 9-10-04: Board Staff conducted conference with the City Mgr. and City Consultant, to discuss questions listed in e-mail to the City 8-30-04. 9-14-04: Board Staff e-mailed the conference call summary to the City Mgr. & City Consultant. 10-13-04: Board Staff e-mailed the City Mgr. & City Consultant to let them know their report contained sufficient information to deem this task complete.
(C.) Obtain necessary approval from local governing body.	City	LAP Task Due: 9-30-04 Status: N/A	9-29-04: This task was modified by the City Mgr. and Board Staff: There was no need for approval from the local governing body to implement this program.	N/A
(D.) Purchase containers, equipment and promotional	City	LAP Task Due: 12-31-04 Revised Due	12-30-04: City Mgr. e-mailed Board Staff an extension request for a 90-day extension to this task.	1-31-05: Board Staff received promotional material sent by City Hauler. 2-4-05: Board Staff e-mailed & phoned the City Mgr. and City

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
materials. (E.) Send copies of promotional materials, including those to be used for the media "Kick-Off" to CIWMB-OLA.		Dates: 3-4-05 (D), 2-21-05 (E) Status: Completed 2-8-05 (D) and 2-17-05 (E)	2-1-05: City Mgr. phoned to request to replace the City's first extension request with the second extension request (delays task 120-days), due to further delays in solid waste contract negotiations with the franchised hauler and a need for the City Council to approve any requested due dates and program implementation costs. 2-2-05: City Mgr. e-mailed Board Staff the second request for extension. 1-31-05: City Hauler e-mailed Board Staff a recycling flyer promoting several programs including this one. 2-8-05: City Hauler e-mailed Board Staff promotional material announcing the upcoming residential/commercial curbside greenwaste & recyclables programs. 2-8-05: City Hauler faxed purchase orders for recycling containers to Board Staff. 2-11-05: City Hauler faxed Board Staff recycling cart labels (with pictures of recyclable and non-recyclable materials). 2-14-05: City Hauler e-mailed & faxed Board Staff outreach that is bilingual. 2-17-05: City Hauler e-mailed & faxed Board Staff outreach that is bilingual. The outreach is residential and commercial and has been edited and approved by the City. 2-22-05: City Hauler e-mailed Board Staff commercial recycling flyers and a LAP status report proposal for who will need what size commercial recycling containers. 3-1-05: The following was e-mailed by the City Hauler to Board Staff: Curbside recycling cart	Hauler to request a conference call to discuss task D & E. Board Staff also e-mailed the agenda. 2-7-05: Board Staff conducted a conference call with the City Mgr. and City to discuss revised due dates for these tasks. 2-8-05: Purchase orders for recycling containers faxed by City Hauler are sufficient to complete task D. 2-17-05: Board Staff reviewed promotional materials and determined task E to be complete.

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			informational sticker, bi-lingual copy of letter to all commercial and multi residential customers of Arvin scheduled to be mailed 3-1-05, bi-lingual copy of letter to all new residents of Arvin as they receive their recycling containers, bi-lingual copy of Recycling Newsletter mailed out to all residents of Arvin by Reed Print 2-24-05, bi-lingual copy of Recycling Opportunities 2005 to be given to all residents of Arvin as part of information packet when they receive their residential curbside recycling cart.	
(F.) Distribute promotional materials, including a media "Kick-Off" to inform the residents of the new service.	City	LAP Task Due: 6-30-05 Status: Completed 3-1-05	3-1-05: The City Hauler sent Board Staff a packet containing the following outreach that was given to all residents as they received their 96-gallon curbside recycling cart: Bi-lingual recycling information enclosed notice, service calendar, bi-lingual copy of curbside recycling cart informational sticker, and bi-lingual copy of "Recycling Opportunities 2005" Newsletter. 9-29-05: Board Staff received three bi-lingual flyers that were to be mailed out to residential curbside recyclable materials customers explaining the usefulness of containers, from the City Hauler.	3-1-05: Board Staff determined that this task was complete. 6-3-05: Board Staff asked the City Hauler's Recycling Coordinator the following: How many residents have been contacted, what is discussed and given out? City Hauler's Recycling Coordinator answered the questions pertaining to the "Kick-Off" of the new service. 9-29-05: Board Staff provided feedback on the three bi-lingual flyers.
(G.) Distribute containers and implement the program.	City	LAP Task Due: 6-30-05 Status: Completed 4-1-05	6-2-05: City Hauler faxed & phoned to update Board Staff with a newspaper article: As of 4-1-05, blue bins have been placed at all single & multi-family residences. Second blue bins are free. There is a new Recycling Coordinator for the City Hauler; his duties also include operating a hotline.	6-3-05: Board Staff asked the City Hauler's Recycling Coordinator and the City Hauler how the program had been implemented. Their updates were sufficient to complete this program. 8-2-05: Board Staff requested and received tonnage reports from the City Hauler to confirm the program inception date of 4-1-05.
(H.) Monitor program. Provide tonnage reports and effectiveness	City	LAP Task Due: 6-30-05 Status: Completed	6-2-05: The City Hauler told Board Staff via phone call that he feels mandatory recycling is needed, that he has amended the ordinance on	6-2-05: Board Staff agrees with the City Hauler and City that a mandatory participation ordinance is necessary, and requested one be approved by the end of the Compliance Order.

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
information in each quarterly update to CIWMB-OLA. Consult with CIWMB staff on program effectiveness. If voluntary participation is low, enact mandatory participation requirement.		6-3-05	<p>mandatory residential recycling and will present it to next City Council Meeting.</p> <p>6-3-05: City Hauler faxed & phoned to update Board Staff: Residential tonnage has dropped by half and that the program is underutilized, in spite of the fact that the City Hauler's outreach is well done. City Hauler will put an article in newspaper (faxed it to Board Staff), will do more school outreach to raise awareness in parents, do direct contact to residents, including apartments and Spanish speaking people.</p> <p>6-10-05: City Hauler phoned to update Board Staff: Direct contact with all apartment managers and residents will be completed in two weeks; they get the same personal outreach and package of materials that the single family residents received, all multi family residents have service, and tonnage will be sent soon.</p> <p>8-2-05: City Hauler e-mailed Board Staff: Blue barrel recycling tonnage, and total residential carts placed are 2,652.</p> <p>8-23-05: City Hauler phoned an update to Board Staff: the mandatory recycling ordinance is on the City Council Agenda.</p> <p>9-26-05: City Hauler phoned Board Staff to say that the ordinance was not yet approved.</p> <p>9-28-05: City Hauler called to let Board Staff know that at yesterday's City Council meeting, the mandatory recycling ordinance was approved.</p>	<p>6-6-05: Board Staff discussed program effectiveness with City Hauler's Recycling Coordinator by phone. City Hauler's Recycling Coordinator stated that residential & commercial tonnage is mixed because the City is so small.</p> <p>8-2-05: Board Staff requested and received tonnage reports from the City Hauler to confirm the program inception date of 4-1-05.</p>
3. Expand the Weekly Residential Curbside Greenwaste Collection Program to All Residents Citywide				

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(A.) Provide contacts for similar cities/counties so Arvin can discuss residential curbside greenwaste program implementation/outreach strategies.	Board Staff	LAP Task Due: 9-30-04 Status: Completed 7-15-04	N/A	7-15-04: Board Staff sent City Manager (and City Hauler) five City/County referral contacts to complete this task.
(B.) Draft a program implementation plan to determine program implementation needs, including funding, production of promotional materials, container size, placement, pick up and processing, and any other equipment to implement the program. Consider if there is a need for a "Variable Can Rate" as an incentive to participation. Provide the program implementation plan to CIWMB-OLA for review. (C.) Obtain necessary approval from local governing body.	City	LAP Task Due: 9-30-04 Status: Completed 1-5-04	This program was implemented on 1-5-04, just before the City was placed on compliance. However, at the time of the LAP development the City indicated to Board Staff that they were going to discontinue this program with their current hauler, collect and compost the materials at a facility that was to be constructed. Subsequently, the facility was not built and the City has remained with their hauler to continue the original program. 9-22-04: City Mgr. faxed Board Staff a proposal of technical assistance from the City Hauler to the City to help the City implement these tasks, as well as others. Proposal was for this program. 9-29-04: City Mgr. e-mailed the first LAP update to Board Staff that confirmed that this program had already been implemented. 11-29-04: Board Staff received tonnage reports from City Hauler confirming that this program has been fully implemented since 1-5-04.	9-22-04: Board Staff consider the proposal of technical assistance from the City Hauler to the City is sufficient to complete task B. 9-29-04: Board Staff talked to City Consultant and City Mgr. to confirm that this program has been fully implemented. Since program inception date was 1-5-04, Board Staff assumed that task C must have also been completed.
(D.) Purchase containers, equipment	City	LAP Task Due: 12-31-04	9-29-04: City Mgr. e-mailed Board Staff the first LAP update that stated that this program was	9-29-04: Board Staff talked to the City Consultant and City Mgr. to confirm that this program continues to be fully

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
and promotional materials.		Status: Completed 1-5-04	never dropped and continues to be implemented. 2-8-05: City Hauler faxed Board Staff purchase orders for recycling containers.	implemented. 11-29-04: Board Staff received tonnage reports from the City Hauler confirming that this program has been fully implemented since 1-5-04.
(E.) Send copies of promotional materials, including those to be used for the media "Kick-Off" to CIWMB-OLA.	City	LAP Task Due: 12-31-04 Status: Completed 1-5-04	1-31-05, 2-8-05, 2-11-05, 2-14-05, 2-17-05, 2-22-05, 2-23-05, and 9-29-05: City Hauler e-mailed & faxed Board Staff bilingual outreach. The outreach has been edited and approved by the City. 3-1-05: City Hauler e-mailed Board Staff notification that he mailed the following: Curbside recycling cart informational sticker, bi-lingual copy of letter to all residential customers scheduled to be mailed 3-1-05, bi-lingual copy of letter to all new residents as they receive their tan and green residential carts, bi-lingual copy of "Recycling Opportunities 2005" newsletter to be given to all residents of Arvin as part of information packet when they receive their residential curbside greenwaste carts.	1-31-05, 2-8-05, 2-11-05, 2-14-05, 2-17-05, 2-22-05, 2-23-05, 3-4-05, and 9-29-05: Board Staff sent e-mails to the City's Hauler with a recommendation to ask the City to place it on the website. Outreach was sufficient for Board Staff to consider this program completed at program inception date.
(F.) Distribute promotional materials, including a media "Kick-Off" to inform the residents of the new service.	City	LAP Task Due: 3-31-05 Status: Completed 1-5-04	Please see task E above.	Please see task E above.
(G.) Distribute containers and implement the program.	City	LAP Task Due: 3-31-05 Status: Completed 1-5-04	9-29-04: City Mgr. e-mailed the first LAP update to Board Staff that stated that this program continues to be implemented. 11-29-04: Board Staff received tonnage reports from City Hauler confirming that this program has been fully implemented since 1-5-04.	9-29-04: Board Staff talked to City Consultant and City Mgr. to confirm that this program continues to be fully implemented. Since program was fully implemented on 1-5-04, Board Staff consider this task to be complete.
(H.) Monitor program. Provide tonnage	City	LAP Task Due: 6-30-05	Please see task G above. 6-3-05: City Hauler faxed & phoned to update	6-2-05: Board Staff agrees with the City and City's Hauler that a mandatory participation ordinance is necessary.

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
reports and effectiveness information in each quarterly update to CIWMB-OLA. Consult with CIWMB staff on program effectiveness. If voluntary participation is low, enact mandatory participation requirement.		Status: Completed 9-28-05	Board Staff: Residential tonnage has dropped by half and that the program is underutilized, in spite of the fact that the City Hauler's outreach is well done. City Hauler will put an article in newspaper (faxed it to Board Staff), will do more school outreach to raise awareness in parents, do direct contact to residents, including apartments and Spanish speaking people. 8-2-05: City Hauler e-mailed Board Staff: Greenwaste recycling tonnage. Total number of carts is 2652. 8-23-05: City Hauler phoned Board Staff with an update: The mandatory participation ordinance is on the Agenda. 9-28-05: City Hauler called to let Board Staff know that at yesterday's City Council meeting, the mandatory participation ordinance was approved.	6-3-05: City Hauler and City Hauler's Recycling Coordinator provided sufficient details of how this task was implemented.
4. Conduct Waste Assessments for Large Waste-Generating Businesses Within the City (If not already conducted). Provide Waste Diversion Technical Assistance and Solicit Commercial Recycling & Greenwaste Program Participation to those Businesses that had Waste Assessments Conducted.				
(A.) Identify businesses who have had waste assessments conducted. If necessary, where data is insufficient, re-conduct waste assessments to determine materials to be diverted. In	City	LAP Task Due: 9-30-04 Status: Completed 10-19-05	3-2-04: At a site visit to City, Board Staff saw, but were unable to obtain copies of, waste assessment sheets detailing the businesses that had been given assessments by the City's Recycling Coordinator. All but Grimmway Farms and Salter Laboratories had waste assessments. 9-29-04: City Mgr. e-mailed Board Staff the first LAP update reporting that all waste assessments except Salter Laboratories and Grimmway Farms had been given. The report	8-30-05: Board Staff confirmed via e-mail with the City Mgr. that the remaining two waste assessments have not been completed. 9-6-05: Board Staff determined at site visit to Arvin that the last two waste assessments as well as technical assistance had still not been completed. Board Staff requested the remaining two waste assessments and technical assistance be completed by 9-16-05. 10-12-05: Board Staff returned the new City Consultant's call & received an e-mailed update: Grimmway Farms waste assessment was completed on 10-7-05 and technical

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addition, conduct waste assessments for any large waste-generating businesses who did not already receive a waste assessment. This task must be completed early in the first quarter to allow the hauler to assess equipment needs and plan development...			indicated that the City's Consultant would do the remaining two waste assessments. 9-14-05: City Hauler sent Board Staff an e-mail between himself, City Mgr., and the Mayor offering a list of how the City Hauler could do this program if he could get a letter from the City authorizing them to do the remaining waste assessments and provide technical assistance. 9-16-05: The City Mgr. sent Board Staff a fax stating that the remaining two waste assessments and technical assistance have not been completed. 9-22-05: City Hauler sent Board Staff a copy of the City's new consultant's evaluation and program implementation recommendations. (In September of 2005, the City Council had requested an independent evaluation by an outside consultant, who provided the City with recommendations for program implementation based on the Board's notice of penalty hearing.)	assistance was provided to ensure its recyclable waste stream is diverted. 10-19-05: Board staff received an e-mail from the City Mgr. stating that Salter Labs had received its waste assessment and follow up technical assistance.
(B.) Provide program participation/implement technical assistance to businesses.	City & Board Staff	LAP Task Due: 6-30-05 Status: Completed 10-19-05	Please see task A above.	Please see task A above.
5. Expand the Commercial Collection of Recyclable Materials Program to All Businesses, Including All Schools				
(A.) Provide contacts for similar cities/counties so Arvin can discuss commercial curbside program	Board Staff	LAP Task Due: 9-30-04 Status: Completed 7-15-04	N/A	7-15-04: Board Staff sent City Mgr. (and City Hauler) five City/County referral contacts to complete Local Assistance Plan program 5A.

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Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
implementation/outreach strategies. This task must be completed early in the first quarter to allow the hauler to assess equipment needs and plan development.				
(B.) Evaluate franchise hauler's current equipment and equipment needs. This task must be completed early in the first quarter. (C.) Draft a program implementation plan to determine program implementation needs, including funding, production of promotional materials, container size, placement, commercial customer needs (space, single stream, etc.), pick up and processing, and any other equipment to implement the	City	LAP Task Due: 9-30-04 Status: Completed 9-29-04	8-6-04: City Consultant and City Mgr. advised Board Staff via phone that they were going to start a commercial curbside program with small bins to be picked up daily by a person in a truck. 9-2-04: City Mgr. & City Consultant called Board Staff to say that they have a meeting today with the City Hauler to buy out the contract. 9-3-04: City Mgr. & City Consultant told Board Staff via phone that they have asked the City Hauler to help answer the status update covering these tasks. 9-22-04: City Mgr. faxed Board Staff a proposal of technical assistance from Mountainside to Arvin to help the City implement these tasks. 9-29-04: City Mgr. e-mailed Board Staff the First LAP Update containing details on how these tasks had been completed.	8-6-04: Board Staff called the City Consultant and City Mgr. to discuss the status of these tasks. Let them know that Board Staff did not think their plan would constitute a "program" or be effective. 9-29-04: Talked to City Consultant and City Mgr. to confirm receipt of the First LAP Update and let them know that Board Staff would review it soon. 10-13-04: Board Staff e-mailed the City Mgr. & City Consultant to let them know that the document e-mailed on 9-29-04, was sufficiently detailed in its description of how these tasks were completed to constitute completion of these tasks.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
program. Assess rate structure to ensure commercial customers benefit from participating in program. Provide the program implementation plan to CIWMB-OLA for review. This task must be completed early in the first quarter.				
(D.) Obtain necessary approval from local governing body.	City	LAP Task Due: 12-31-04 Status: Completed on 9-29-04	9-29-04: City Mgr. e-mailed Board Staff the First LAP Update covering this task. The report indicated that the City had revised their Municipal Code to adopt a Mandatory Business Recycling requirement for the enforcement of upcoming programs.	9-29-04: The revision of the City's Municipal Code to adopt a Mandatory Business Recycling requirement constitutes completion of this task.
(E.) Send copies of promotional materials, including those to be used for the media "Kick-Off" and one-on-one training to CIWMB-OLA.	City	LAP Task Due: 12-31-04 Revised Due Date: 02-21-05 Status: Completed 2-17-05	12-30-04: City Mgr. e-mailed Board Staff an extension request for a 90-day extension to this task. 2-1-05: City Mgr. phoned to request to replace the City's first extension request with the second extension request (delays task 120-days), due to further delays in solid waste contract negotiations with the franchised hauler and a need for the City Council to approve any requested due dates and program implementation costs. 2-2-05: City Mgr. e-mailed Board Staff the second request for extension. 2-8-05, 2-11-05, 2-14-05, 2-17-05, 2-22-05, 2-23-05, and 3-1-05: City Hauler e-mailed &	2-8-05, 2-11-05, 2-14-05, 2-17-05, 2-22-05, 2-23-05, and 3-1-05: Materials sent by the City Hauler to Board Staff up to 2-17-05 were sufficient to deem this task completed, however, the City Hauler continued to develop and send additional outreach materials. Each time Board Staff received outreach materials, the City's Hauler was contacted to provide feedback on the materials.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			faxed Board Staff bilingual outreach promoting the commercial curbside recyclables program. Outreach featured pictures of recyclable and non-recyclable materials, and included a bilingual curbside recycling cart informational sticker, bi-lingual copy of letter to all commercial and multi-unit residential customers, a service calendar, and bilingual copy of the Recycling Newsletter. The outreach had been edited and approved by the City.	
(F.) Distribute promotional materials, including a media "Kick-Off" to inform the schools and businesses of the new service and provide one-on-one training to participating businesses. (G.) Purchase containers, equipment and promotional materials.	City	LAP Task Due: 3-31-05 Status: Completed 3-4-05	3-1-05: All the outreach listed in task E (above) was mailed or given out on 3-1-05. 8-2-05: City Hauler e-mailed Board Staff tonnage for this program. Board Staff identified that residential & commercial tonnages are mixed because it is a small City. 9-29-05: City Hauler e-mailed Board Staff three bilingual flyers to be mailed out to commercial curbside customers explaining the usefulness of their containers.	3-4-05: Board Staff called the City Hauler to give a positive critique on materials mailed to Board Staff on 3-1-05. Materials are sufficient to consider task F complete. 6-6-05: Board Staff talked to the City Hauler's Recycling Coordinator by phone to confirm that the one-on-one training to participating businesses had been completed. 54 (all but two) of Arvin's businesses have been visited and provided technical assistance. Technical assistance consists of: Why they need to use the service, how to participate, what is accepted, and a waste assessment to make sure the recycling container is the correct size. He will mail Board Staff what he gives out to businesses. 8-2-05: The tonnage that the City Hauler e-mailed Board Staff indicates containers were placed 3-1-05. The hauler had sufficient containers and therefore did not need to purchase additional containers. Board Staff has deemed task G to be complete. 9-29-05: Board Staff's feedback on the three bilingual flyers, were addressed by the City's Hauler.
(H.) Distribute containers and implement program. (I.) Conduct follow-up visits to	City	LAP Task Due: 6-30-05 Status: Completed 10-19-05	3-1-05: City Hauler called to let Board Staff know that as of 3-1-05, all but two businesses are receiving recycling services. 9-22-05: City Hauler called Board Staff to say that Salter Laboratories and Grimmway Farms	6-6-05: Board Staff talked to the City Hauler's Recycling Coordinator by phone. Business recycling is increasing slowly because it is a new program so he has completed direct contact to all businesses; he is doing follow up visits to those who need it, including participation problems generated from

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
businesses three weeks after the program has been implemented to provide technical assistance.			are still not receiving service. Plans are being made to provide them with a waste assessment and begin service before 11-1-05. 9-22-05: City Hauler sent Board Staff a copy of the City's new consultant's evaluation and program implementation recommendations. (In September of 2005, the City Council had requested an independent evaluation by an outside consultant, who provided the City with recommendations for program implementation based on the Board's notice of penalty hearing.)	hotline calls. Board Staff's discussion confirmed that this task would have been complete if two of the City's largest businesses, Grimmway Farms and Salter Laboratories were to receive recycling services and follow-up technical assistance. 9-6-05: Board Staff's site visit to the City confirmed that Grimmway Farms, Salter Laboratories, McDonalds, Burger King, and the Ranch Market don't have recycling services. 9-26-05: Board Staff phoned the City Hauler to confirm that McDonalds, Burger King, and the Ranch Market are now receiving recycling services. Only Salter Laboratories & Grimmway Farms are not served. 10-12-05: Board Staff returned the new City Consultant's call & received an e-mailed update: Grimmway Farms waste assessment was completed on 10-7-05 and technical assistance was provided to ensure its recyclable waste stream is diverted. 10-19-05: Board staff received an e-mail from the City Mgr. stating that Salter Labs had received its waste assessment and follow up technical assistance.
(J.) Monitor program. Provide tonnage reports and effectiveness information in each quarterly update to CIWMB-OLA. Consult with CIWMB staff on program effectiveness. If voluntary participation is low, enact mandatory participation requirement.	City	LAP Task Due: 6-30-05 Status: Completed 9-28-05	6-3-05: City Hauler faxed & phoned to update Board Staff: Business recycling is low because it is a new program so the City Hauler's Recycling Coordinator is doing direct contacts that will be completed in three weeks, City Hauler will place an article in newspaper (faxed it to Board Staff), and will do more school outreach to raise awareness in parents. Residential & commercial tonnage is mixed because it is so small. 6-10-05: City Hauler phoned to update Board Staff that businesses get the same talk and package of outreach materials that the residents received. 8-2-05: City Hauler e-mailed Board Staff blue	6-3-05: Board Staff asked City Hauler's Recycling Coordinator and received answers to the following: How many businesses have been contacted, what was discussed, and outreach was given out? 8-2-05: E-mail of tonnage from City Hauler to board Staff indicates containers were placed on 3-1-05, except for Grimmway Farms, Salter Laboratories, McDonalds, Burger King, and the Ranch Market. 9-26-05: Board Staff phoned the City Hauler to confirm that McDonalds, Burger King, and the Ranch Market are now receiving recycling services. Only Salter Laboratories & Grimmway Farms are not served. 10-4-05: Board Staff requested recycling tonnage from Burger King, McDonalds, Ranch Market, Salter Laboratories, and Grimmway Farms, when that data is available.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			<p>barrel recycling totals.</p> <p>9-28-05: City Hauler called to inform Board Staff that at yesterday's City Council meeting, the mandatory recycling ordinance was approved, that completes the last portion of this task.</p> <p>10-4-05: Board Staff received an e-mail from the City Hauler reporting that Grimmway Farms transports bails of cardboard to Bakersfield Association for Retarded Citizens (BARC). He will determine if the same is true for Salter Laboratories and Ranch Market with both BARC & Smurfit.</p>	
6. Initiate, Develop, and Promote a Weekly Commercial Collection of Greenwaste Program to Businesses, Including All Schools				
(A.) Evaluate franchise hauler's current equipment and equipment needs. (B.) Draft a program implementation plan to determine program implementation needs, including funding, production of promotional materials, container size, placement, commercial customer needs (space, do they generate sufficient	City	<p>LAP Task Due: 9-30-04</p> <p>Status: Completed 9-29-04</p>	<p>9-2-04: City Mgr. & City Consultant called Board Staff to say that they have a meeting today with the City Hauler to buy out the contract.</p> <p>9-22-04: City Mgr. faxed Board Staff a proposal of technical assistance from the City Hauler to help the City implement this program.</p> <p>9-29-04: City Mgr. e-mailed Board Staff the first LAP update covering the City's program implementation plan.</p>	<p>9-29-04: Documents faxed and e-mailed from City Mgr. to Board Staff on 9-22-04 and 9-29-04, contained sufficient details on their plan for program implementation to deem these tasks complete.</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
greenwaste, etc.), pick up and processing, and any other equipment to implement the program. Provide the program implementation plan to CIWMB-OLA for review.				
(C.) Obtain necessary approval from local governing body. (D.) Send copies of promotional materials, including those to be used for the media "Kick-Off" and one-on-one training to CIWMB-OLA.	City	LAP Task Due: 12-31-04 Status: Completed 1-31-05	1-31-05, 2-8-05, 2-11-05, 2-14-05, and 2-17-05: City Hauler e-mailed Board Staff flyers, recycling cart labels (with pictures of recyclable and non-recyclable materials), and other bilingual outreach promoting this program. The outreach has been edited and approved by the City. 3-29-05: Via e-mail and phone: City Mgr. and Board Staff discuss and agree upon the tasks that will be necessary to amend the LAP to do an alternative to this program. City, Kern County, and City Hauler say this program is unnecessary because all greenwaste is being captured and recycled through County landfills and transfer stations. Had the same discussion with City Mgr. on: 4-1-05, & 4-12-05. 9-13-05: Subsequent conversations (9-13&16-05), indicated that approval by the City Council is not necessary for the hauler to implement the alternative to this program.	1-31-05: Board Staff discussed outreach by phone w/City Hauler. Outreach is sufficient for Board Staff to deem task D complete. 9-13-05: Since task C (the original), is not required for the hauler to implement this task, Board Staff deems it to be of no consequence.
(E.) Distribute promotional materials, including a media "Kick-Off" to	City	Due Date: 3-31-05 Revised Due Date: Alternative	Note: The remaining tasks in program 6 are incomplete; please refer to Alternative Program 6 below. 9-16-05: City Hauler e-mailed Board Staff the	9-21-05: Board Staff called the City Hauler and confirmed the details of how these tasks were completed and that the City Hauler's Recycling Coordinator provided the one-on-one training with new customers.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
inform the schools and businesses of the new service and provide one-on-one training to participating businesses. (F.) Purchase containers, equipment and promotional materials.		Program Selected Status: NA- Please See Alternative 6 Below	hauler's portion of the fourth LAP update that indicated that these tasks have been completed for those businesses that do not have landscape services.	
(G.) Distribute containers and implement program. (H.) Conduct follow-up visits to businesses a few weeks after the program has been implemented to provide technical assistance.	City	LAP Task Due: 6-30-05 Revised Due Date: Alternative Program Selected Status: NA- Please See Alternative 6 Below	Note: The remaining tasks in program 6 are incomplete; please refer to Alternative Program 6 below.	
(I.) Monitor program. Provide tonnage reports and effectiveness information in each quarterly update to CIWMB-OLA. Consult with CIWMB staff on program effectiveness.	City	LAP Task Due: 6-30-05 Due Date: Alternative Program Selected Status: NA- Please See Alternative 6 Below	Note: The remaining tasks in program 6 are incomplete; please refer to Alternative Program 6 below.	

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
6. Alternative. The City requested to amend the LAP and proposed an alternative Commercial Greenwaste Collection Program to the LAP, which was approved by Board staff. The terms of agreement were that the City would provide the following specific information:				
(A.) Names of businesses, including schools and City offices, within Arvin that generate greenwaste. (B.) For each of the above business, provide the name and final destination of the greenwaste, or name of the landscape service and final destination.	City	LAP Task Due: 6-30-05 Status: Not Complete	<p>3-2-05: Via e-mail & fax between Board Staff and City Hauler: Requested alternative program in lieu of commercial collection to all businesses (LAP program 6). City Hauler discussed their reasons for requesting an alternative program and the tasks that will be necessary to amend the LAP.</p> <p>9-16-05: City Hauler and City Mgr. faxed Board staff the final LAP status report; however, information was not sufficient to deem this task complete.</p> <p>9-22-05: City Hauler sent Board Staff a copy of the City's new consultant's evaluation and program implementation recommendations. (In September of 2005, the City Council had requested an independent evaluation by an outside consultant, who provided the City with recommendations for program implementation based on the Board's notice of penalty hearing.)</p>	<p>3-29-05, 4-1-05, and 4-12-05: Board Staff e-mailed the City Mgr. to discuss his request for an alternative program in lieu of commercial collection to all businesses (LAP program 6). City discussed their reasons for requesting an alternative program and the tasks that will be necessary to amend the LAP with Board Staff. The City, Kern County, and the City Hauler believe that the program is unnecessary because commercial greenwaste is being recycled through Kern County's landfills and transfer stations.</p> <p>4-14-05: Board Staff e-mailed the City Mayor a status update that requested that he ask the City Mgr. to get City Hauler a list of business in the City, so they can document that the City does not need a commercial curbside greenwaste program.</p> <p>5-12-05: Board Staff e-mailed the City Mgr. (also phone call), City Consultant & City Hauler: Asked if the City Mgr. had asked the City Hauler to do the tasks needed to amend LAP program 6. The City Mgr. thought he had. Board Staff attached the e-mail listing the tasks necessary to amend the LAP.</p> <p>5-16-05, 5-17-05, 6-3-05, 8-30-05, 9-6-05, and 9-10-05: Board Staff e-mailed the City Mgr.: Reminded him that these two tasks have not been completed.</p> <p>8-30-05: Board Staff called and e-mailed the City Mgr. & City Hauler regarding the alternative to commercial curbside greenwaste program, Board Staff let the City Mgr. know that the City Hauler needed a list of City businesses to complete these tasks. City Mgr. said he thought his Secretary had given the list to City Hauler and would check on that assumption.</p> <p>9-6-05: Board Staff's site visit to Arvin confirmed that these tasks have not been completed.</p> <p>9-10-05: Board Staff sent a summary of the site visit to City Mgr. Summary includes a request to get all outstanding</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
				documents and status updates (including these tasks) to Board Staff by 9-16-05.
(C.) Verification that those businesses without landscapers have been offered the same greenwaste service as residents. (D.) Examples of outreach in the form of mailers letting all the businesses know how important greenwaste recycling is to the City.	City	LAP Task Due: 6-30-05 Status: Completed 9-16-05	<p>9-14-05: City Hauler e-mailed (& phoned) Board Staff an e-mail between City Mgr., City Hauler, and the City Mayor offering a list of how the City Hauler could offer suggestions and technical assistance to help the City implement this alternative program and others.</p> <p>9-16-05: City Hauler e-mailed Board Staff the hauler's portion of the fourth LAP update indicating these tasks have been completed: Those businesses that do not have landscape services now have curbside greenwaste service and outreach to support it. Tonnage is not available because the program is new.</p> <p>9-28-05: City Hauler called to let Board Staff know that at yesterday's City Council meeting, the mandatory recycling ordinance was approved.</p> <p>9-29-05: Board Staff received three bi-lingual flyers to be mailed out to commercial curbside greenwaste generators explaining the usefulness of new greenwaste containers if they don't already use landscape services. All commercial customers were visited and given a waste assessment to determine: Who needed curbside greenwaste services, to receive an outreach packet, and to begin service. Tonnage is mixed with residential curbside greenwaste, because the amount of commercial materials is very small.</p>	<p>9-6-05: Board Staff's site visit to Arvin confirmed that these tasks have not been completed.</p> <p>9-10-05: Board Staff sent a summary of meeting to City Mgr. Summary includes a request to get all outstanding documents and status updates (including these tasks) to Board Staff by 9-16-05.</p> <p>9-16-05: Board Staff's discussion with City Hauler provided verification that everyone was offered service, however, the City has not confirmed to Board Staff that the businesses that don't need services are diverting greenwaste. The discussion with the City's Hauler provided sufficient details for staff to deem these tasks completed.</p> <p>9-29-05: Board Staff provided feedback on the three bi-lingual flyers.</p>
7. Expand the City's Electronic, Printed, and School Outreach Program, Including Use of Those Materials Provided by Kern County				

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(A.) Provide promotional materials, guides, and posters that are available from CIWMB-OLA to the City and from other jurisdictions.	Board Staff	LAP Task Due: 9-30-04 Status: Completed 3-22-04	7-28-04: City Mgr. e-mailed Board Staff to confirm that he received the promotional outreach from other jurisdictions.	<p>3-22-04: Board Staff mailed promotional guides (business and program technical assistance), as well as posters to City's Schools' Recycling Coordinator, City's Recycling Coordinator, and City Hauler.</p> <p>3-29-04: Board Staff confirmed receipt of promotional materials sent on 3-22-04, to the parties listed directly above.</p> <p>4-7-04: Board Staff e-mailed City's Schools' Recycling Coordinator and City Mgr. promotional materials for their meeting with School District representatives on 4-14-04. E-mail contained the following promotional materials: Guides, posters, waste assessment reports for McFarland's School Dist. & Market, website for free school books on recycling education in multi-languages, and websites to order Household Hazardous Waste wheels.</p> <p>7-15-04: Board Staff sent the City Manager (& City Hauler) a reminder that earlier, Board Staff had sent copies of outreach materials from other jurisdictions and then sent the following additional materials: From EPA: A Guide: Spreading the Word on Waste Prevention. From Health Sanitation Services (Santa Barbara County/Cities): Three newsletters, one recycling guide for residents, and two telephone book advertising examples. From Price Environmental: six fliers promoting glass, phone book, and Christmas tree recycling, blue barrel program, recycle coupons, and the location of the recycling center. From Dept. of Conservation: Recycle bumper sticker, two guides promoting what children can do to recycle, one flier with pictures and examples of CRV materials, and a flier with a long list of websites where promotional materials made from recycled plastic can be purchased. From San Mateo County: Poster promoting their Countywide all-material types recycling programs. From Kern County: Magnet listing recycling hotline, all County all-material types recycling guide, two newsletters, and one household hazardous waste promotional flier. From Sunset Waste Paper: All-material types recycling guide mailer,</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
				<p>two all-material types recycling guide door hangers. From Ventura County: All-material types recycling guide kitchen hanger, and two newsletters. From Delano: Greenwaste recycling guide. From Santa Barbara County: Countywide all-material types recycling guide, and a guide for children on recycling all material types. From Bakersfield: Press release and flier promoting the opening of the new drop-off recycling center.</p> <p>7-26-04: Board Staff sent the City Manager (& City Hauler) an e-mail to find out if they received the promotional materials and if they thought they would use them to develop their own.</p> <p>8-19-04: Board Staff mailed an additional envelope of promotional materials (web pages, door hangers, flyers, newsletters, and a newspaper article) as well as an outreach distribution plan to City Mgr.</p> <p>12-14-04: Board Staff e-mailed the City Mgr. & City Consultant links to examples of website outreach.</p>
(B.) Draft a plan to determine the outreach materials, including distribution methods and timing, that would be necessary to promote the programs listed in this document as well as all the other major diversion programs listed in the City's PARIS. Provide that plan to CIWMB-OLA for review. (C.) Of	City	<p>LAP Task Due: 9-30-04 Status: Completed 9-29-04</p>	<p>9-3-04: City Mgr. & City Consultant agreed to update Board Staff on the status of these tasks. They said that they asked the City Hauler to help give a status update on these tasks.</p> <p>9-29-04: City Mgr. e-mailed Board Staff the first LAP update covering these tasks.</p>	<p>8-30-04: Board Staff sent an e-mail to the City Mgr. and City Consultant requesting status updates by 9-2-04, for these and other tasks.</p> <p>9-3-04: Board Staff scheduled a conference call for 9-10-04 with City Mgr. & City Consultant. Board Staff e-mailed the City Mgr. & City Consultant a reminder for tomorrow's conference call with an agenda and a copy of the LAP with these and other tasks highlighted for discussion.</p> <p>9-10-04: Board Staff conducted a conference call to discuss status of these and other tasks.</p> <p>9-29-04: Board Staff talked to the City Consultant and City Mgr. to confirm details of how these tasks were implemented. The discussion and the report containing the outreach plan were sufficient to deem these tasks to be complete.</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
those listed in task C, determine which of these materials are provided by the County and those the City will have to provide. (D.) Determine the cost to provide all the necessary outreach materials and services to fully promote the City's programs.				
(E.) Obtain materials provided by Kern County. Develop the revenue sources and purchase the outreach materials to be provided by the City.	City	LAP Task Due: 12-31-04 Status: Completed 10-13-04	9-29-04: City Mgr. e-mailed the first LAP update covering the development of revenue sources to Board Staff. 10-13-04: Via fax from the City Hauler: Flyer for a bulky waste event. 3-1-05: City Hauler e-mailed Board Staff: Notification that he sent Board Staff the following: Curbside recycling cart informational sticker, copy of Telephone Book recycling advertisement which ran on 2-16-05 in the newspaper, bilingual copy of letter to all commercial and multi-residential customers that was scheduled to be mailed on 3-1-05, bilingual copy of letter to all new residents when they receive their tan, blue and green residential carts, bilingual copy of a recycling information notice, bilingual copy of Recycling Opportunities 2005 newsletter, and bilingual recycling calendar.	3-22-04, 3-29-04, 4-7-04, 7-15-04, and 8-19-04: Board Staff mailed the City Mgr. outreach materials including those from Kern County. Materials constitute completion of the first part (obtain materials from Kern County) of this task. 9-29-04: First LAP update contained sufficient detail describing the development of revenue sources for Board Staff to consider the second portion of this task to be complete. 10-13-04: Flyer for bulky waste event, along with other outreach (2-8-05, 1-31-05, 2-11-05, 2-8-05, 2-11-05, and 3-1-05) are sufficient for Board Staff to deem the third portion of this task (purchase the outreach materials) complete. Gave positive feedback on each set of outreach. All outreach produced by City Hauler. 3-4-05: Board Staff called the City Hauler to give a positive critique on materials mailed on 3-1-05.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(F.) Plan and execute "Kick-Off" events to distribute and promote the outreach materials and services.	City & ERD	LAP Task Due: 3-31-05 Status: Completed 3-4-05	3-1-05: City Hauler e-mailed Board Staff: Notification that he sent Board Staff the following: Curbside recycling cart informational sticker, copy of Telephone Book recycling advertisement which ran on 2-16-05 in the newspaper, bilingual copy of letter to all commercial and multi-residential customers that was scheduled to be mailed on 3-1-05, bilingual copy of letter to all new residents when they receive their tan, blue and green residential carts, bilingual copy of a recycling information notice, bilingual copy of Recycling Opportunities 2005 newsletter, and bilingual recycling calendar.	3-4-05: Board Staff called City Hauler to approve plan and materials mailed on 3-1-05.
(G.) Report progress to Board staff by sending examples/copies, including those used in the "Kick-Off" events and lists of implemented outreach programs on a quarterly basis.	City	LAP Task Due: 6-30-05 Status: Completed 6-6-05	10-13-04: Via fax from the City Hauler to Board Staff a flyer for the bulky waste event. 4-19-05: City Hauler phoned Board Staff to give the outreach details to promote the Citywide clean-up event; it includes a media blitz. 4-25-05: City Hauler faxed Board Staff the newspaper article addressing the bulky-waste event. 6-2-05: City Hauler faxed & phoned to update Board Staff on a newspaper article: Blue bins have been placed at all single & multi-family residences. Second blue bins are free. Food waste added to greenwaste bins is going well and program accepts paper plates, paper towels, and waxed paper cartons. The City Hauler has hired a bilingual Recycling Coordinator who does waste audits, distributes outreach, and operates a hotline.	3-22-04, 3-29-04, 4-7-04, 7-15-04, and 8-19-04: Board Staff e-mailed, faxed, and mailed the City Mgr. sample outreach materials including those from Kern County. 10-13-04, 1-31-05, 2-8-05, 2-11-05, 3-1-05, 4-19-05, 4-25-05, and 6-2-05: Flyer for bulky waste event, along with other outreach sent by City Hauler was sufficient for Board Staff to deem the first portion (send examples of outreach) of this task complete. All outreach was produced by City Hauler. 6-6-05: Board Staff asked City Hauler's Recycling Coordinator to describe the outreach, distribution plan, and programs for all the City's programs that were implemented by the City Hauler. The descriptions and faxed documents were sufficient for Board Staff to deem the second portion of this task complete.
8. Implement a Recycled-Content Procurement Policy for All City Offices				

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(A.) Provide a report to CIWMB-OLA on the City of Arvin's purchasing practices including bulk-purchasing and recycled-content purchasing.	City	LAP Task Due: 12-31-04 Status: Completed 3-14-05	3-14-05: City Mgr. & City Consultant e-mailed Board Staff the report on the City's purchasing practices including bulk-purchasing and recycled-content purchasing.	1-26-05, 2-10-05, 2-18-05, and 3-9-05: Board Staff e-mailed the City Mgr. & City Consultant to request an update on the status of this task. 3-14-05: The report on the City's recycled-content purchasing practices is sufficiently detailed for Board Staff to deem this task to be complete.
(B.) Provide examples of cooperative purchasing agreements in use by other jurisdictions for recycled-content procurement. Coordinate with the City to identify local options/sources of recycled-content products.	City & Board Staff	LAP Task Due: 12-31-04 Status: Completed 12-8-04		12-8-04: Board Staff e-mailed the City Mgr. & City Consultant: A PowerPoint presentation that describes a model procurement program, including contact information, a list of local and internet locations from which to purchase recycled-content materials, and sample procurement and buy-recycled policies. Board Staff called to make sure they understood how to use the materials sent to help the City purchase recycled-content products locally.
(C.) Develop and send the City's new recycled-content procurement policy to CIWMB for review.	City	LAP Task Due: 3-31-05 Status: Completed 5-21-03	12-20-04: City Mgr. e-mailed Board Staff the City's procurement policy that was approved on 5-21-03. 12-22-04: City Mgr. e-mailed Board Staff to say that the procurement process is outlined in their Municipal Code and that the City Mgr. has the authority to procure below \$5,000.00, any amount above that has to go to City Council for approval. Certain items have to go through a bidding process and that is specified in the CA Gov. Code.	12-20-04: At the time the LAP was developed, the City Mgr. was new and therefore unaware that a formal procurement policy had been adopted; so this program was added to the LAP. During the term of the Compliance Order, the City and Board Staff learned that that the ordinance had been formally adopted on 5-21-03; therefore, this task was deemed to be complete by Board Staff.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
(D.) Obtain necessary approval from local governing body.	City	LAP Task Due: 3-31-05 Status: Completed 5-21-03	12-20-04: City Mgr. e-mailed Board Staff the City's procurement policy that was approved on 5-21-03.	See Task C Above
(E.) Develop and present staff training on procurement policy and procedures.	City	LAP Task Due: 6-30-05 Status: Completed on 9-7-05	8-23-05: City Mgr. said he would e-mail Board Staff on the status of this task soon. 9-16-05: City Mgr. faxed Board Staff a report fulfilling the request listed above on 9-10-05.	8-23-05: Board Staff e-mailed & phoned City Mgr. to ask for a status update on this task. 9-6-05: At the site visit to Arvin, Board Staff confirmed that this task has not been implemented. 9-10-05: Board Staff e-mailed City Mgr. a request to describe the plan to provide procurement policy training for City Staff by 9-16-05. 9-16-05: City manager's report contained sufficient training dates and details for Board Staff to deem this task satisfactorily completed on 9-7-05.
(F.) Implement the City's recycled-content procurement policy. (G.) Monitor program. Report on purchases made after the policy was implemented in quarterly reports to CIWMB.	City	LAP Task Due: 6-30-05 Status: Completed 9-19-05	12-20-04: City Mgr. e-mailed Board Staff the City's procurement policy that was approved on 5-21-03. 8-23-05: City Mgr. said he would e-mail Board Staff on the status of these tasks soon. 9-14-05: City Hauler sent Board Staff an e-mail between City Mgr., City Hauler, and the Mayor letting Board Staff know the City Council plans to buy park & playground materials that contain recycled content to fully implement their procurement program. City Hauler faxed Board Staff the agenda for that meeting. City Hauler sent Board Staff a response from City Mgr. indicating he would follow up and see if they had already purchased qualifying products. 9-16-05: City Mgr. faxed Board Staff a report detailing how he completed these tasks on 9-7-05. The report was not sufficient to determine if these tasks had been implemented.	3-2-04, and 10-29-04: Board Staff's site visits to the City showed no evidence of implementation of these tasks. 9-6-05: At the site visit to the City, staff were unable to confirm that these tasks have been sufficiently implemented. 9-10-05: Board Staff e-mailed City Mgr. a request to get a status update on these tasks to Board Staff by 9-16-05. 9-19-05: Board Staff received receipts for recycled-content products purchased by the City from the City Mgr. in the mail. Receipts for recycled-content products, including paper, and toner cartridges, and binding combs, purchased by the City for a one-year time period sent by City Mgr. are sufficient to consider these tasks complete.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
9. Submitting Various Reports and Providing Documentation				
(A.) Submit to the OLA representative a quarterly report that includes the status of implementation of all programs identified in this LAP. The report shall include any issues that need attention and any relevant comments the City wishes to make. A single example of all newly printed educational materials should be included in the quarterly reports with an explanation of how the item was distributed. A description of program needs determined by the City (Tasks: 2A, 3A, 4B, 5B, 7B) shall be included in the respective quarterly report. Each quarterly report is due 45 days after the end of the calendar quarter.	City	LAP Task Due: 6-30-05 Status: Completed on 9-16-05	<p>8-4-04: City Consultant phoned to tell Board Staff that he was working on the first LAP report.</p> <p>9-29-04: City Mgr. e-mailed the first LAP update which was due 11-15-04.</p> <p>3-14-05: The City Consultant e-mailed Board Staff the second LAP status report which was due 2-14-05.</p> <p>5-16-05: City Mgr. e-mailed to advise Board Staff that he asked the City Hauler to help them submit the third LAP report, which was due on 5-16-05.</p> <p>5-19-05: City Hauler e-mailed the third LAP report to Board Staff.</p> <p>9-16-05: City Hauler e-mailed Board Staff the hauler's portion of the fourth LAP update which was due 8-15-05.</p> <p>9-16-05: City Mgr. faxed Board Staff the City's portion of the fourth LAP update. Originally due 8-15-05.</p>	<p>9-29-04: Board Staff received the first LAP update before it was due. Program task implementation details were obtained through follow-up phone calls, by mail, faxes, and e-mails obtained after the due date were sufficient to deem this task complete.</p> <p>3-14-05: The second LAP status report was submitted one month late but did not contain information sufficient to deem all due program tasks as complete. The program task implementation details obtained by Board Staff through follow-up phone calls, by mail, faxes, and e-mails after the due date were sufficient to deem this task complete.</p> <p>5-19-05: The third LAP update e-mailed to Board Staff was submitted three days late but did not contain information sufficient to deem all due program tasks as complete. The program task implementation details obtained by Board Staff through follow-up phone calls, by mail, faxes, and e-mails after the due date were sufficient to deem this task complete.</p> <p>9-16-05: The fourth LAP updates faxed & e-mailed to Board Staff were submitted one month late but did not contain information sufficient to deem all due program tasks as complete. Board staff continue to follow up on implementation details via phone calls, by mail, faxes, and e-mails.</p>
(B.) Copies of all relevant correspondence, as it	City	LAP Task Due: 6-30-05 Status:	9-22-04: City Mgr. faxed Board Staff a proposal of technical assistance from the City Hauler to help the City implement its LAP programs.	2-2-05: Board Staff called to advise the City Hauler that the proposal/plan appears to be a reasonable way to bring the City into LAP compliance.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
relates to any matters covered in this Compliance Order, are to be provided to the OLA representative. Relevant correspondence would include any formal documents, such as a letter sent or cc'd. to a Program Manager, City Manager and City Council Members.		Completed on 6-30-05	<p>1-27-05: City Mgr. confirmed to Board Staff that they have resolved contract negotiations with the City Hauler who will be paid to implement all the programs in the LAP. The City Mgr. accepted the conference call invitation.</p> <p>2-2-05: City Hauler e-mailed Board Staff a one-page proposal/plan detailing recycling services for the City Council.</p> <p>2-8-05: City Hauler e-mailed Board Staff a flyer promoting the residential/commercial curbside greenwaste & recyclables programs.</p> <p>2-8-05: City Hauler faxed Board Staff purchase orders for recycling containers, and a revised agenda for the City Council Meeting tonight.</p> <p>2-9-05: City Mgr. e-mailed Board Staff a letter detailing the positive response and agreement of the City Council to the City Hauler's contract to implement the LAP programs on time.</p> <p>2-11-05 and 2-14-05: City Hauler faxed Board Staff: Recycling cart labels (with pictures of recyclable and non-recyclable materials), and additional bilingual outreach</p> <p>2-17-05: City Hauler e-mailed & faxed Board Staff additional bilingual outreach. The outreach is residential and commercial and has been edited and approved by the City.</p> <p>2-22-05: City Hauler e-mailed Board Staff additional bilingual commercial recycling flyers and a LAP status report containing a proposal for which customers will need what size commercial recycling containers.</p> <p>2-23-05: City Hauler e-mailed Board Staff a bilingual commercial recycling flyer.</p> <p>3-1-05: City Hauler e-mailed Board Staff:</p>	<p>2-8-05: Board Staff called to provide feedback to the City Hauler, on the flyer promoting the residential/commercial curbside greenwaste & recyclables programs.</p> <p>2-9-05: Board Staff confirmed the letter's content with City Hauler via phone.</p> <p>2-11-05: Board Staff called City Hauler to provide feedback on the recycling cart labels (with pictures of recyclable and non-recyclable materials).</p> <p>2-14-05, 2-17-05, and 2-22-05: Board Staff called City Hauler to provide feedback on bilingual outreach materials.</p> <p>2-23-05: Board Staff called City Hauler to provide feedback on the bilingual commercial recycling flyer.</p> <p>3-4-05: Board Staff called City Mgr. and City Hauler to provide feedback on documents.</p> <p>4-14-05: Board Staff e-mailed an update to the City Mayor: That included a status update that asked him to get City Mgr. to provide the City Hauler the list of business' in Arvin so the City Hauler can do the tasks necessary to amend the LAP to allow an alternative to the commercial curbside greenwaste program.</p> <p>4-14-05: Board Staff received the commercial and residential ordinance specifying recycling services. It is nearly identical to the one Board Staff helped another jurisdiction write.</p> <p>6-30-05: City Hauler & City Mgr. continue to send Board Staff all relevant correspondence which constitutes completion of this task.</p> <p>9-14-05: City Hauler sent Board Staff an e-mail between City Mgr., City Hauler, and the City Mayor advising Board Staff that the City Council plans to buy park & playground materials that contain recycled content to fully implement their procurement program. Board Staff replied that if they purchase recycled-content materials and continue purchasing them would constitute a completed program.</p> <p>9-23-05: Conference call with City Mgr. and Roland: Board</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			<p>Notification that he sent Board Staff the following: Curbside recycling cart informational sticker, copy of Telephone Book recycling advertisement which ran on 2-16-05 in the newspaper, bilingual copy of letter to all commercial and multi-residential customers that was scheduled to be mailed on 3-1-05, bilingual copy of letter to all new residents when they receive their tan, blue and green residential carts, bilingual copy of a recycling information notice, bilingual copy of Recycling Opportunities 2005 newsletter, and bilingual recycling calendar.</p> <p>3-2-05: City Hauler e-mailed & faxed Board Staff: Greenwaste tonnage (mainly commercial for 2004), to support the claim that there is no need for a commercial curbside greenwaste program because it all goes to Bena and CRRR (recycling facilities), free of charge (Kern County agrees with the assertion), notification to the City that City Hauler sent Board Staff the outreach listed above, and faxed a receipt for printing the outreach materials to go in the information packet.</p> <p>3-29-05: City Mgr. requested via phone to Board Staff to amend the LAP to do an alternative to the commercial curbside greenwaste program. The City, Kern County, and the hauler concur that the program is unnecessary because all commercial generators are recycling greenwaste through landscape services at the two greenwaste recycling facilities listed above.</p> <p>4-12-05: City Mgr. told Board Staff that he</p>	<p>Staff said the plan should get the City into LAP compliance but that the Board could still fine them at the hearing for being late on full implementation of some program tasks. City Mgr. asked for a 1-1.5-year monitoring period to ensure that no programs could be dropped.</p> <p>9-28-05: Board Staff received a copy of the mandatory ordinance.</p> <p>9-29-05: Board Staff received an e-mail summary of the City Council Meeting and follow-up attempts by Roland to bring the City into LAP compliance. Board Staff received bi-lingual flyers promoting residential & commercial curbside collection of greenwaste and recyclable materials.</p> <p>9-29-05: Board Staff gave feedback on bi-lingual flyers promoting residential & commercial curbside collection of greenwaste and recyclable materials.</p>

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			<p>would ask the City Hauler to do the tasks necessary to amend the LAP to do an alternative to the commercial curbside greenwaste program.</p> <p>4-14-05: City Hauler phoned & faxed & e-mailed Board Staff yesterday's Ad Hoc Committee meeting summary containing a list of rates, they approved the new fees for services but since the rates were never placed on the agenda, collection can not begin. The City Hauler faxed a commercial & residential ordinance specifying recycling services for Board Staff's review.</p> <p>5-16-05: City Mgr. e-mailed Board Staff to advise Board Staff that he asked City Hauler to do the tasks necessary to amend the LAP to do an alternative to the commercial curbside greenwaste program.</p> <p>5-26-05: City Hauler e-mailed to advise Board Staff that the City Council had concerns about the recycling ordinance, so he revised it and will present it again next week.</p> <p>6-3-05: City Hauler phoned to advise Board Staff know that the City Mgr. still has not gotten him the list of businesses for commercial curbside greenwaste outreach so the City Hauler can do the tasks necessary to amend the LAP.</p> <p>6-7-05: City Hauler phoned, faxed & e-mailed an update to Board Staff: A description of the packet and verification that he delivered it to the City. Packet is to go before the City Council next week for approval. Packet includes fees for recycling services, statement from the City</p>	

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			<p>allowing City Hauler to act as the City's authorized representative, and a draft ordinance for residential & commercial source-separated recycling, including penalties. He briefed Board Staff by phone on what he was sending.</p> <p>6-10-05: City Hauler phoned to inform Board Staff that the City Council has not yet put the initiative to allow Kern County to charge fees for waste/recycling services on the agenda, which means that the City's Hauler will not be paid for recycling services.</p> <p>6-15-05: City Hauler e-mailed Board Staff to advise of an additional request to be paid for services by billing through the property taxes. This item needs to get on and be approved by Kern County.</p> <p>9-14-05: City Hauler sent Board Staff an e-mail between City Mgr., City Hauler, and the Mayor letting Board Staff know the City Council plans to buy park & playground materials that contain recycled content to fully implement their procurement program. City Hauler faxed Board Staff the agenda for that meeting. City Hauler sent Board Staff a response from City Mgr. indicating he would follow up and see if they had already purchased qualifying products.</p> <p>9-16-05: City Hauler e-mailed, and City Mgr. faxed Board Staff the fourth LAP update that states City Hauler is assisting the City in implementing all past due programs that the City Hauler can do without City assistance by 11-1-05.</p> <p>9-21-05: City Hauler e-mailed Board Staff the document, created by the City's new consultant</p>	

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
			that is a plan to bring the City into LAP compliance. City Hauler & Roland had a conference call with Board Staff to discuss the document. Board Staff made some suggestions for changes where the information specified by the Board was not correct. Board Staff also asked Roland twice to inform City Mgr. that the places in the document assigning responsibility for programs and tasks were the opinion of Roland, not Board Staff or CIWMB. 9-21-05: Roland e-mailed Board Staff, City Hauler, the Mayor, and City Mgr. the revised document that incorporated Board Staff's comments, and addresses Board Staff's concerns. 9-27-05: City Hauler faxed Board Staff tonight's City Council Agenda to hire Roland. 9-28-05: City Hauler phoned to update Board Staff on yesterday's City Council meeting, the mandatory recycling ordinance was approved.	
(C.) Complete annual reports and submit to the OLA representative by the deadlines presented each year.	City	LAP Task Due: 12-31-04 Status: Completed 2-6-04 & 3-11-05	2-6-04: City Consultant has filed the City's 2002 Annual Report, completing this task. 3-11-05: City filed its 2003 Annual Report, completing this task.	8-4-04, and 3-9-05: Board Staff e-mailed and phoned City Consultant their 2003 Annual Report password. Board Staff sent an e-mail to City Mgr. to advise him of my phone call and e-mail with the City Consultant. 3-14-05: Board Staff e-mailed the City Consultant & City Mgr. confirmation that Board Staff received the 2003 Annual Report.
10. Review Status of Diversion Rate and Program Implementation				
(A.) Submit to CIWMB staff an estimate of the City's diversion rate for end of 2004* and	City & Board Staff	LAP Task Due: 6-30-05 Status: Completed 6-6-05		6-6-05: Board Staff completed this task with the City at the site visit.

Local Assistance Plan Program Implementation Table and Communication Log Between Board and Jurisdiction

Program and Tasks	Responsible Agency	Task Due Date and Completion Status	City Reported	Staff Follow Up
2005**.				
(B.) Meet to discuss the diversion rate and the success of the programs implemented to date and discuss the need for an extension to the Compliance Order.	City & Board Staff	LAP Task Due: 6-30-05 Status: Completed 6-6-05		6-6-05: Board Staff completed this task with the City at the site visit. Board Staff will discuss the need for the City to update their base-year during Fall of 2005.



Analysis • Planning • Solutions

September 22, 2005

Mr. Enrique Medina Ochoa, City Manager
City of Arvin
200 Campus Drive
Arvin, CA 93203

Subject: City of Arvin – Recommendations to address CIWMB comments

The City of Arvin has recently reached the end of a California Integrated Waste Management Board (CIWMB) Compliance Order (CO) and Local Assistance Plan (LAP). On September 6, 2005 representatives from the CIWMB met with City and Mountainside officials to discuss the City's progress toward completing the LAP. During that meeting, CIWMB officials made negative comments in six program areas. On September 16, the City of Arvin sent an updated LAP report to the CIWMB. After reviewing the updated LAP report, the CIWMB notified the City that it was still not in full compliance and that enforcement action (fines) will be recommended at an upcoming CIWMB Board Meeting.

The City of Arvin has a franchise agreement with Mountainside Disposal for various refuse collection services. The franchise agreement requires Mountainside to assist the City with its AB-939 waste diversion goals but does not place responsibility exclusively with Mountainside. The franchise agreement anticipated and actual practice has been for the City to be responsible for achieving AB-939 goals, while receiving assistance and certain recycling services from Mountainside. Mountainside has indicated it is prepared to continue providing technical assistance whenever possible and will continue to provide recycling services. However, some of the areas of concern to the CIWMB are beyond the scope of what Mountainside can do on its own.

This letter summarizes CIWMB comments on each of the six program areas that were a concern to the CIWMB after the September 6 meeting and includes updated comments after the CIWMB reviewed the updated LAP report sent by the City on September 16. Finally, we make recommendation on steps the City of Arvin and Mountainside Disposal can take to address the CIWMB's outstanding concerns.

Roland Consulting believes implementation of these recommendations may demonstrate a good faith effort to address CIWMB comments and that full implementation prior to the CIWMB Board Meeting in November may reduce or forestall any fines the CIWMB may impose upon the City of Arvin. **However, Roland Consulting does not control the CIWMB. Roland Consulting, Inc. does not guarantee, warrant or imply that implementation of these recommendations will reduce or forestall fines or any other enforcement action the CIWMB may impose. Roland Consulting, Inc. is not under any circumstances responsible for any action the CIWMB may take in connection with the City of Arvin's CO or LAP. In addition, Roland Consulting does not warrant, guarantee or imply that implementation of these recommendations will protect Mountainside Disposal from any action the City of Arvin may take against Mountainside.**

It is also very important for all parties to understand that any statements in this report regarding the "Responsible Agency" refer observations made by Roland Consulting regarding agreements between the City of Arvin and Mountainside Disposal. These statements and observations do not in any way change the relationship between the City of Arvin and the CIWMB, which is defined by regulation.

Program 1: C&D Ordinance Enforcement

CIWMB Comments After September 6 Meeting - Although the City drafted and adopted a Construction and Demolition Debris Recycling Ordinance, as required by the LAP, Board staff learned that the City does not enforce the ordinance nor does it have information as to tonnages diverted. Although the City believes that much of the C&D is being diverted (due to economics), it was unaware as to whether this is actually occurring. In addition, the City has conducted minimal education/outreach with its contractors as to the requirements of the ordinance (the City met once with the three area contractors and gave them a copy of the ordinance.) As a result of the September 6 meeting, Board staff are requesting the following additional information be provided by the City by September 16, 2005: contractor's waste tonnages of waste disposed and waste diverted (if available) since the ordinance went into affect; information on how the City plans to begin enforcing the ordinance; and, what outreach the City plans to do to inform haulers of the enforcement of this ordinance.

CIWMB Comments After Reviewing Updated LAP Report - The updated LAP provided to the CIWMB on September 16 was not adequate. This is still a major concern and all of the previous comments still apply. Also, staff has indicated they need to see copies of the recycling plans that were submitted to the City by the various contractors, as required by the C&D ordinance.

Responsible Agency - Responsibility for enforcing the C&D ordinance rests with City staff. Mountainside cannot enforce the City's ordinance. Mountainside can provide services to support the City's C&D recycling ordinance as recommended below.

Recommended Action by the City -

1. Train Building Inspection staff about the ordinance and require them to enforce it
 - a) Require staff to sign a sheet showing the date and time of training
 - b) Require staff to sign a sheet indicating they understand their responsibilities
2. Hold an informational meeting for contractors
 - a) Send an invitation letter, a copy of the C&D ordinance and a copy of the recycling guide to all contractors that have worked in the City of Arvin in the last 12 months
 - b) Have a sign in sheet at the meeting to document attendance
3. Provide a copy of the C&D ordinance to everyone that obtains a building permit at the City
4. Prepare or obtain a C&D recycling guide to tell contractors how to recycle C&D in the Arvin area and provide a copy to everyone that obtains a building permit at the City
5. Require people that obtain building permits to sign a sheet indicating they received a copy of the ordinance and a copy of the C&D recycling guide
6. Require building and demolition contractors to submit a recycling plan and evidence of tons diverted, as required by the ordinance
 - a) Maintain a file of recycling plans submitted
 - b) Before final inspection is granted on building or demolition permits, permit holders must provide proof that they have complied with the C & D recycling requirements (Receipts of C & D recycling service from Mountainside or local recycling centers. These receipts must coordinate with the dates of their construction/demolition and type of recyclable materials generally produced by that construction/demolition).
 - c) Maintain a file of all C&D reports received from contractors
7. Develop a report that shows the number of tons of C&D generated by contractors in Arvin and the number of tons diverted

8. Provide copies of all above documentation to the CIWMB

Recommended Action by Mountainside –

1. Provide a C&D recycling guide for use by the City
2. Negotiate with Metropolitan Recycling Center (MRC) to accept and recycle mixed C&D Mountainside hauls from the City of Arvin
3. Continue to provide C&D collection and hauling services as requested
4. Continue to provide C&D tonnage reports for C&D hauled by Mountainside

Program 4: Waste Assessments

CIWMB Comments After September 6 Meeting - Although the City states that most of the businesses within the City have received waste assessments, Board staff has been unable to obtain the list/waste assessment results for those businesses. Board staff is also aware that some of the top generating businesses in the City (Salter Laboratories and Grimmway Farms) have not yet received waste assessments. Board staff learned that to date, these assessments have still not been completed despite the City's assurance that these would be completed by the end of the CO time frame. In addition, the City has been unable to provide Board staff with program participation/implementation technical assistance provided to those businesses that were assessed.

CIWMB Comments After Reviewing Updated LAP Report – The updated LAP report provided to the CIWMB on September 16 was not adequate. This is still a major concern and all of the previous CIWMB comments still apply.

Responsible Agency – Responsibility for conducting waste assessments has been with the City of Arvin. The City states that its recycling coordinator performed waste assessments on several businesses. When the recycling coordinator left the City work on the waste assessments stopped, the City did not provide notice to Mountainside that it should take over responsibility for the assessments and Mountainside Disposal did not take responsibility for completing the waste assessments.

Mountainside has the expertise to complete the waste assessments and provide needed technical support to businesses on an on-going basis. Mountainside has verbally agreed to complete this work.

Recommended Action by the City –

1. Send Mountainside a notice that the City expects Mountainside to complete the waste assessments the City did not complete
2. Provide Mountainside and the CIWMB with a list of all waste assessments completed by its recycling coordinator and copies of any documentation
3. Send a letter to large volume waste generators to inform them of the following:
 - a) State mandates require cities to divert 50%
 - b) Cooperation of the large volume waste generators is important to help the City achieve this goal
 - c) Large volume waste generators can often save money by reducing waste and recycling
 - d) They will be contacted by the City of Arvin's agent (Mountainside) to perform a waste assessment and recommend recycling programs

4. The large volume generators that should receive this letter include:
 - a) Grimmway
 - b) Salter Labs
 - c) Ranch Market
 - d) Arvin High School
 - e) Haven Drive Middle School
 - f) Bear Mountain Elementary School
 - g) Sierra Vista Elementary School

Recommended Action by Mountainside –

1. Review existing waste assessment information
2. Conduct a waste assessment at the largest waste generators in Arvin:
 - a) Grimmway
 - b) Salter Labs
 - c) Ranch Market
 - d) Arvin High School
 - e) Haven Drive Middle School
 - f) Bear Mountain Elementary School
 - g) Sierra Vista Elementary
3. Document that the waste assessments were completed or, if the waste generator did not cooperate, document their lack of cooperation
4. Recommend recycling/diversion programs for each large volume waste generator where a waste assessment was completed.
5. Document that the recycling/diversion programs were offered and report on new recycling/diversion programs that have been implemented
6. Provide copies of documentation and a report to the City and the CIWMB

Program 5: Large Generator Recycling Programs

CIWMB Comments After September 6 Meeting – Board staff learned that two of the businesses (larger generators) within the City currently do not have recyclable materials collection (Grimmway and Salter). The City believes that the majority of the businesses containing the majority of the waste stream do have recycling service and the hauler has indicated it plans to fully implement recycling at these businesses pending specific action by the City Council.

CIWMB Comments After Reviewing Updated LAP Report – The updated LAP report provided to the CIWMB on September 16 was not adequate. The City still needs to provide evidence that large waste generators have been offered recycling programs.

Responsible Agency – Mountainside has the expertise to offer waste diversions/recycling programs to large volume generators as may be indicated by waste assessments. Mountainside has verbally agreed to complete this work.

Recommended Action by the City –

1. Approve a mandatory commercial waste recycling ordinance

2. Notify affected businesses

Recommended Action by Mountainside –

1. Provide recycling services to all businesses subject to the new ordinance
2. Document the businesses that started new recycling diversion programs after the ordinance has taken effect and report to the City and the CIWMB

Program 6: Commercial Greenwaste

CIWMB Comments After September 6 Meeting - The City requested to amend the LAP and proposed an alternative Commercial Greenwaste Collection Program to the LAP, which was approved by Board staff. The terms of agreement were that the City would provide the following specific information, which has not been provided to date. The City indicated it would try to provide the information by September 9, 2005. Board staff would like to have this information by September 16, 2005 at the latest:

1. Names of businesses, including schools and City offices, within Arvin that generate greenwaste;
2. For each of the above business, provide the name and final destination of the greenwaste, or name of the landscape service and final destination;
3. Verification that those businesses without landscapers have been offered the same greenwaste service as residents; and,
4. Examples of outreach in the form of mailers letting all the businesses know how important greenwaste recycling is to the City.

CIWMB Comments After Reviewing Updated LAP Report – The updated LAP report provided to the CIWMB on September 16 was not adequate. Previous comments still apply.

Responsible Agency – The franchise agreement requires Mountainside to provide greenwaste collection and recycling to any business that requests the service.

Recommended Action by the City –

1. Provide Mountainside with a list of all gardeners and landscapers licensed to do business in the City of Arvin.

Recommended Action by Mountainside –

1. Provide evidence that refuse containers are labeled "No Greenwaste"
2. Send a notice to all of Mountainside's commercial customers to include the following:
 - a) State mandates require cities divert 50%
 - b) Cooperation of the greenwaste generators is important to help the City achieve this goal
 - c) Greenwaste recycling is easy and may save money by reducing waste hauling costs
 - d) For businesses that use a gardener or landscaper:
 - i) Greenwaste recycling facilities are available at Mt. Vernon and Bena Landfill
 - ii) Please ensure their gardeners or landscapers use these facilities
3. Send the above notice to every gardener or landscaper on the list provided by the City
4. Provide a report of the above activities to the City and the CIWMB

Program 8: Recycled Content Procurement Policy

CIWMB Comments After September 6 Meeting - Although the City has adopted a procurement policy, Board staff was unable to confirm that the City regularly purchases recycled-content products. Board staff was only able to identify that the City purchases 10% recycled-content paper and 100% recycled-content binding combs. City staff have agreed to provide purchase receipts for the past six months and indicated they would try to provide them by September 9, 2005. Board staff would like to have this information by September 16, 2005 at the latest.

CIWMB Comments After Reviewing Updated LAP Report - The City has complied with this requirement and it will not be noted in recommended enforcement action. However, this is an ongoing concern for CIWMB staff and the City should take additional action to maintain compliance in the future.

Responsible Agency - Responsibility for enforcing and tracking performance of the City of Arvin's recycled content procurement policy rests with City staff. Mountainside has no control over the City's procurement process. However, Mountainside has and will continue to make suggestions on items the City can purchase that may help the City meet the CIWMB requirements.

Recommended Action by the City -

1. Train all City staff about the City's recycled content procurement policy and require them to follow it
 - a) Hold a training meeting for all City employees that make purchasing decisions
 - b) Provide a copy of the procurement policy to every City employee that receives training
 - c) Obtain a recycled content purchasing guide to help City employees make purchasing decisions and provide a copy to every City employee that receives training
 - d) Require staff to sign a sheet indicating the date and time they received training, that they received copies of the policy and purchasing guide and that they understand their responsibilities
2. Purchase items that have recycled content and document those purchases. Maintain a file of all purchases that meet the recycled content requirement.
3. Provide copies of all above documentation to the CIWMB

Recommended Action by Mountainside -

1. Continue to suggest items the City can purchase to help meet this requirement.
2. Make suggestions in writing.

Program 9: Late LAP Status Report

CIWMB Comments After September 6 Meeting - The City has been consistently late in submitting quarterly LAP status updates. To date, the City has not yet submitted its final program implementation status update, which was due August 15, 2005. Board staff is requesting this be submitted by September 16, 2005.

CIWMB Comments After Reviewing Updated LAP Report - The September 16 LAP report satisfied this requirement. However, staff still had follow questions to clarify certain areas. Staff would like future reports to include more detailed information in a more consistent format.

Responsible Agency - Primary responsibility for submitting the LAP status report is with the City of Arvin. Mountainside can only provide some supporting information such as tonnage reports and status updates on tasks that have been assigned to Mountainside.

Special Board Meeting
November 8, 2005

City of Arvin - Recommendations to address CIWMB comments

Agenda Item 1
Attachment 4

Recommended Action by the City –

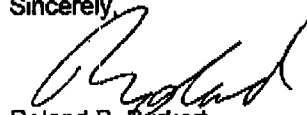
1. Complete all future reports on time

Recommended Action by Mountainside –

1. Continue to provide timely documentation of Mountainside activities as they relate to the City of Arvin

Please call if you have any questions.

Sincerely,



Roland B. Burkert
President

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2005-310

Public Hearing And Consideration Of The Imposition Of Penalties Against The City Of Arvin
Pursuant To Compliance Order IWMA BR03-05 (Public Resources Code Section 41850)

WHEREAS, Public Resources Code (PRC) Section 41825 requires the California Integrated Waste Management Board (Board) to review each City, County, and Regional Agency's Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE) at least every two years; and

WHEREAS, PRC Section 41825 provides that if the Board finds that the City, County, or Regional Agency has failed to implement its SRRE or HHWE, the Board shall issue an order of compliance with a specific schedule for achieving compliance that shall include those conditions which the Board determines to be necessary for the jurisdiction to complete in order to implement its SRRE or HHWE; and

WHEREAS, based on the staff review of the jurisdiction's implementation of programs identified in its SRRE, the Board determined that the City of Arvin had not made a good faith effort to implement the programs as identified in their SRRE and issued Compliance Order IWMA BR03-05 (Order), on January 13, 2004; and

WHEREAS, the Order included specific requirements that the City must meet, including working with the Board to develop a Local Assistance Plan (LAP) that the City would agree to by May 31, 2004; and

WHEREAS, as required by the Order, on June 14, 2004, the City did agree to implement the tasks specified in the LAP by the due dates listed in the LAP; and

WHEREAS, if the Board determines that any report, plan, schedule, or other document submitted for approval pursuant to the Order fails to comply with the Order or fails to achieve successful implementation of the SRRE, the Board or its designee may serve a notice that the Board will hold a public hearing to consider the imposition of penalties in accordance with PRC Section 41850; and

WHEREAS, based on the information provided in the City's LAP updates and numerous requests for program task implementation details, staff believes the City has failed to demonstrate a good faith effort to implement some of the specific tasks listed in the LAP.

(over)

NOW, THEREFORE, BE IT RESOLVED that after consideration of all of the information presented in the public hearing, the Board has determined the appropriateness of imposing an administrative civil penalty on the City of Arvin for its failure to meet conditions of Compliance Order IWMA BR03-05 in a timely manner and adopts the attached Findings and Order.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on November 8, 2005.

Dated:

Mark Leary
Executive Director